



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1545/2019
M.A/350/904/2019

Date of Order: 26.02.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Amal Kumar Majhi, son of Hari Sadhan Majhi, aged about 49 years, working as Radiographer in ESIC Hospital and ODC (EZ), Joka, Kolkata residing at 12/10, Balaka, M.G. Road, Joka, Kolkata – 700104.
2. Dhiman Chandra Pradhan, son of Ganesh Chandra Pradhan, aged about 39 years, working as Radiographer in ESIC Hospital and ODC (EZ), Joka, Kolkata residing at 5, Prantick Pally, Kasba, District – 24 Parganas, Pin – 700042.
3. Kaushik Bhattacharya, son of Late Surya Kumar Bhattacharya, aged about 47 years, working as Radiographer in ESIC Hospital and ODC (EZ), Joka, Kolkata residing at 12/12, Behala, M.G. Road, Thakurpukur, Kolkata – 700104.
4. Saikat Roy, son of Late Sukanta Kumar Roy, aged about 47 years, working as Radiographer in ESIC Hospital and ODC (EZ), Joka, Kolkata residing at 132/27 Beleaghata Main Road, Kolkata – 700010.

--Applicants

-Versus-

1. The Union of India, service through its Secretary, Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
2. The Director General, Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi – 110002.
3. The Medical Commissioner (Medical Administration), Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi – 110002.
4. Joint Director (MA), Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi – 110002.
5. The Medical Superintendent, ESI-PGIMSR & ESIC Medical College & ESIC Hospital & ODC (EZ), Diamond Harbour Road, P.O. Joka, Kolkata – 700104.
6. The Additional Commissioner & Regional Director, West Bengal, Panchdeep Bhawan, 5/1, Grant Lane, Kolkata – 700012.

--Respondents

For The Applicant(s): Ms. K. Chakraborty, counsel

For The Respondent(s): Mr. A. Chowdhury, counsel



ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

This O.A has been preferred to seek the following relief:

"8.(a) Leave may be granted to move this application jointly under Rule 4(5)(a) of the CAT Procedure Rules, 1987.

(b) An order directing the respondents to grant the applicants the benefits of Grade Pay of Rs. 4200/- in PB 2 i.e. Rs. 9,300 – 34,800/- from the respective dates when the applicants have been appointed as Radiographer with all consequential monetary benefits with interest.

(c) An order directing the respondents to produce/ cause production of all relevant records;

(d) To pass such other order or orders, direction or directions as your Lordships may deem fit and proper."



2. Heard ld. counsel for both sides.

3. M.A for joint prosecution is allowed. The applicants are allowed to pursue the remedy jointly upon payment of individual court fees.

4. At hearing, ld. counsel for the applicants produced a decision of the Hon'ble High Court New Delhi in W.P. (C) 10645/2016 & C.M. APPL. 34498/2019 with W.P. (C) 10649/2016 & CM APPL. 34497/2019, and would seek liberty to prefer comprehensive representation to the authorities seeking benefits in the light of the Hon'ble High Court's decision supra and annexing other relevant decisions in their support and a direction to issue appropriate order.

5. Ld. counsel for the respondents does not have any objection if such liberty is granted.

6. Since an innocuous prayer has been made, we dispose of the O.A with liberty to the applicants to file comprehensive representation to the competent respondent authority, seeking consideration in the light of the Hon'ble High Court's decision supra, annexing other relevant judgements,

within a period of 4 weeks from the date of receipt of a copy of this order.

In the event such representation is preferred, the competent respondent authority shall consider the same in accordance with law and pass appropriate orders within a period of 3 months from the date of such representation. In the event the applicants deserves the relief as prayed for, the same shall be accorded within that period.

7. It is made clear that we have not entered into the merits of the matter and therefore all the points to be raised in the representation shall be open for consideration.

8. The present O.A accordingly stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)