



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA**

O.A. No. 350/768 OF 2019

In the mater of :

1. **MANGAL SAREN**, son of late Jetha Saren, aged about 45 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A 8/12, D.H. Road Joka, Kolkata (MC), Kolkata - 700 104.
2. **SUBHANKAR JANA**, son of Sri Prabir Kumar jana, aged about 40 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A- 7/8, ESIC Hospital, D.H. Road Joka (CT), Kolkata - 700104.
3. **MARTIN MURMU**, son of David Murmu, aged about 42 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A- 7/9 (E.M.I), D.H. Road Joka, Kolkata 700 104.
4. **RINA KHAMARU @ RINA DAS KHAMARU**, wife of Sanjoy Das, aged about 43 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Vill- South Bawali, Post Office- Bawali, Budge Budge-II, South 24 parganas, West Bengal- 700 137.
5. **ARCHANA BAGH**, daughter of Gopal Naskar, aged about 38 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata,

residing at 231/9 Chak Thakurani M.G. Road

Kolkata 700 104.

6. **HASNAT ALI AHMED**, son of Hashem Ali Ahmed, aged about 43 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Beramara South 24 parganas, West Bengal- 743 609.
7. **PABITRA KAR**, son of Surendra Nath Kar, aged about 41 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A- 7/11, E.S.I.C. Hospital Campus, Joka, Thakurpukur, South 24 Parganas, Kolkata- 700 104.
8. **SHYAMALI NAYEK**, daughter of Bhusan Chandra Maity, aged about 42 years, O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at E.S.I.C Hospital Complex, A- 8/15, D.H. Road Kolkata (MC) Joka, Kolkata 700 104.
9. **ESTHER TERESA EKKA**, daughter of Johan Ekka, aged about 45 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A- 7/12, E.S.I.C D.H. Road Joka, Kolkata 700 104.
10. **KRISHNA BISWAS**, wife of Tanoy Biswas and daughter of Anil Baran Singha, aged about 37 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing

at School Road, Near Maheshtala Girls High School, South 24 Parganas, West Bengal-700141.

11. **GOBINDA SARDAR**, son of Laksman sardar, aged about 44 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Madsar, P.O. Sonarpur, 2, G.P. South 24 Parganas, Pin- 700 150.

12. **BISWANATH SAHA**, son of Tarun Saha, aged about 34 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at 174/1, James Lang sarani, Sakher Bazar, Purba- Barisha, South 24 Parganas, Pin- 700 008.

13. **SIKHA DAS**, daughter of Sambhu Nath Arong, aged about 44 years, working as O.T. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Joka Mondal Para, Kolkata(MC), Joka, Kolkata 700 104.

14. **HILLOL NATH**, son of Dr. Madhusudan Nath, aged about 42 years, working as C.S.R Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at 102, Biren Roy Road, West Sarsuna, South 24 parganas, Pin- 700 061.

15. **DOLLY MONDAL**, wife of Mintu Mondal, aged about 42 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Pailan Chak Rajumolla Pailanhat,

Thakurpukur Mohestola, South 24 parganas,
Pin- 700 104.

16. **BIPLAB GHOSH**, son of Tarit Ghosh, aged about 34 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at P/121, Kalipada Mukherjee Road, Purba-Barisha, South 24 Parganas, Pin- 700 008.
17. **PULAK KUMAR ROY**, son of Gajendra Nath Roy, aged about 40 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Sirakol, South 24 Parganas, Pin- 743 513.
18. **KABERI MAITY**, daughter of Bankim Behari Maity, aged about 43 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Kalua Mondal Para, Joka, Pin- 700 104.
19. **ANIMA PAUL**, daughter of Sachindra Nath Paul, aged about 37 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A-8/9 (ESI Housing) D.H. Road, Kolkata (MC) Joka, Kolkata- 700 104.
20. **SHAMPA PATHAK**, wife of Tapan Pathak, aged about 45 years, working as C.S.R. Assistant in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Kalua 44, South Behala Road (Satyanarayan Pally) Thakurpukur, South 24 Parganas.

21. **MONOTOSH DUTTA**, son of Nikhil Chandra

Datta, aged about 44 years, working as O.T.

Assistant in ESIC Hospital and ODC (EZ), Joka,

Kolkata, residing at 179/3, Sarkar Hat Lane,

P.S. Thakurpukur, Kolkata- 700 061.

22. **MITA MITRA alias MITA HALDER**, daughter of

Niranjan Halder, aged about 43 years, working

as O.T. Assistant in ESIC Hospital and ODC

(EZ), Joka, Kolkata, residing at 2, Bachar para

Road, Sarada Park, Thakurpukur, Paschim

Barisha, South 24 Parganas, Pin- 700 063.

23. **SONALI MUKHERJEE MITRA**, daughter of

Tulsi Das Mukherjee, aged about 49 years,

working as O.T. Technician in ESIC Hospital and

ODC (EZ), Joka, Kolkata, residing at Flat- C/4,

33, Satyen Park, Kolkata (MC), Joka, West

Bengal- 700 104.

...APPLICANTS

V E R S U S

1. **UNION OF INDIA** through the Secretary to the

Govt. of India, Ministry of Laour & Employment,

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, Employees

State Insurance Corporation, Panchdeep
Bhawan, CIG Marg, New Delhi - 110002.

4. THE FINANCIAL COMMISSIONER, Employees

State Insurance Corporation, Panchdeep
Bhawan, CIG Marg, New Delhi - 110002.

5. THE MEDICAL SUPERINTENDENT, ESIC

Hospital and ODC (EZ), Joka, Kolkata, -
700104.

...RESPONDENTS

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/768/2019

Date of Order: 25.02.2020



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

Mangal Saren & Ors.Applicants

Vrs.

Union of India & OrsRespondents

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

For The Respondent(s): Mr. S.S.Banerjee, Counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. The applicants have preferred this O.A. to seek the following reliefs:

"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. 2400/- in PB 1 i.e. Rs. 5200 – 20200/- from the respective dates when the applicants have been appointed as O.T. Assistants/ CSR Assistants 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."

3. Brief facts of the case as enumerated by the Ld. Counsel are that the applicants are working as OT/CSR Assistants in ESIC Hospitals and ODC (EZ), Joka and were earlier granted the Grade Pay of Rs. 1800-1900/- in PB-1. Subsequently, from September 2015 onwards they are getting the Grade Pay of Rs. 2000/-. The grievance of the applicants is that as per the decision of CAT, Principal Bench, they are entitled to Grade Pay of Rs. 2400/- in PB-1 but despite making representations vide Annexure-A/5 no heed has been paid for redressal of their grievance. Ld. Counsel for the applicants submits that the grievance of the applicants may be redressed if Respondents No.5 is directed to consider applicants' pending representations.

4. Ld. Counsel for the respondents has no objection for consideration of representations as per law.

5. Having heard Ld. Counsels for both the parties, we would direct Respondent No.5, to consider the pending representations of the applicants (Annexure-A/5 to this O.A.) and dispose of the same with a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. If after such consideration, the applicants are found to be

entitled to the relief claimed by them then expeditious steps be taken within a further period of one month to grant the benefit of enhanced Grade Pay.

6. We make it clear that we have not gone into the merits of the matter and all the points raised in the representations shall be considered by the respondents as per rules and law.

7. O.A. is disposed of accordingly. There shall be no order as to costs.

8. However, the applicants shall pay individual court fees.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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