

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00335/2020

Thursday this the 13th day of August, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

1. Radhakrishnan.S, S/o Subramanian Achari.K. aged 38 years, residing at Priya Nivas, CRRA 13, Convent Road, Alumoodu, Neyyattinkara-695121, Mobile No. 9847771924. Presently working as UDC, ESI Corporation, Sub Regional Office, Near NORKA, Thycaud, Thiruvananthapuram 695014
2. Sujith.V.G, S/o Gopalan Nair aged 38 years, residing at Krishna Theertham, Kizhavoor, Mukhathala.P.O, Kollam-691577, Mobile No. 9447444801, presently working as UDC, ESI Corporation, Sub Regional Office, Asramam, Kollam 691002
3. Sajina.J.S, D/o Sajeevan.K.J, aged 37 years, residing at Krishna Theertham, Kizhavoor, Mukhathala.P.O, Kollam-691577, Mobile No. 9495155235. presently working as UDC, ESI Corporation, Sub Regional Office, Asramam, Kollam 691002
4. Reji.P, S/o Philip.D aged 38 years, residing at Reji Bhavanam, Alumpeedika.P.O, Ayiramthengu, Ochira, Kollam-690547, Mobile No.9747125211.presently working as UDC, ESI Corporation, Branch Office, Karungappally Kollam 690544
5. Shemeema.T.M, D/o T.A.Muhammed Salih, aged 39 years, residing at Nilavu, Koprappurayil, Kannampally Bhagom, Kayamkulam.P.O, Alappuzha-690502, Mobile No.9895170393. presently working as UDC, ESI Corporation, Branch Office, Kayamkulam 690502
6. Siji.M.R, D/o Rajendran.K, aged 36 years, residing at Pramodam, Thazhuthala, Kottiyam.P.O, Kollam-691002, Mobile No. 9446707632.presently working as UDC, ESI Corporation, Sub Regional Office, Asramam, Kollam 691002
7. Shinu.V.M, S/o P.Vijayabhanu, aged 38 years, residing at Pattasseril Veedu, Pavithreswaram, Kottarakkara,

Kollam- 691507, Mobile No. 9747978262. presently working as UDC,

ESI Corporation, Branch Office, Puthur, Kollam 691507

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Applicants

(By Advocate :Mr.Manu Govind)

V e r s u s

1. Union of India, represented by Secretary to Government of India, Ministry of Department of Labour and Employment, New Delhi110001.

2. The Director General, Department of Employee State Insurance Corporation, Panchdeep Bhavan, CIG Marg, New Delhi,110001

3. The Regional Director, ESI Corporation, Regional Office, Panchdeep Bhavan, North Swaraj Round, Thrissur-680020

4. The Deputy Director(administration), ESI Corporation, Sub - regional Office, Kollam - 691002

..... **Respondents**

(By Advocate : Mr.T.V.Ajayakumar)

This application having been heard on 13.8.2020, the Tribunal on the same day delivered the following:

REVISED O R D E R (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

Applicants are working as Upper Division Clerks in Employees State Insurance Corporation. They are eligible for promotion to the post of Assistant Head Clerk. However, a draft seniority list was published by the fourth respondent overlooking the seniority of the applicants. Objections were filed to the same. The applicants are aggrieved by the non-consideration of objections to the draft seniority

list prepared and published by the fourth respondent. The draft seniority list was prepared and published without application of mind and failing to follow the law settled by Honourable Supreme Court of India in **K.Meghachandra Singh & Others**

v. **Ningam Siro & Others.** Hence he prays for the following reliefs.

" i. *Quash Annexure A-3*

ii. *To direct the fourth respondent to prepare the Final Seniority list in respect of Upper Division Clerks in kerala Region for the recruitment year 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and April to December 2018 in light of the observation made by the Hon'ble Supreme Court of India in K.Meghachandra Singh & Others v. Ningam Siro & Others.*

iii. *To direct the fourth respondent to consider and pass orders on Annexure A5 objections in light of the observations made by the Hon'ble Supreme Court of India in K.Meghachandra Singh & Others v. Ningam Siro & Others within a time frame to be fixed by this Tribunal*

iv. *To direct the respondent to hold the consequent review of DPC for promotion from the post of UDC to Assistant/Head Clerk against the vacancies of 2020 from the date when other candidates have been considered and recommended for promotion with all statutory consequential benefits.*

v. *Grant such other reliefs as may be prayed for and the court may deem fit to grant, and*

vi. *Grant the costs of this Original Application."*

2. When the matter came up for consideration, counsel for the applicants submits that the matter is squarely covered by the Hon'ble Supreme Court's decision in **K.Meghachandra Singh & Others v. Ningam Siro & Others.** and he would like to consider this matter in the light of above decision. Counsel for the applicant again

submits that the applicants have given representations to the Competent Authority vide Annexures A-5, A-7 to A-12 and the applicants will be satisfied if the same is considered in the light of above decision.

3. In view of the limited submission, the Competent Authority is directed to consider the representations at Annexures A-5, A-7 to A-12 in the light of relevant rules and regulations on the subject and in the light of recent Hon'ble Supreme Court decision in K.Meghachandra Singh & Others v. Ningam Siro & Others (Civil Appeal No.8833-35 of 2019 dated 19.11.2019)and pass a reasoned and speaking order within a period of six months from the date of receipt of a copy of this order.

4. The Original Application is disposed of as above. No costs.

**(K.V.EAPEN)
ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)
JUDICIAL MEMBER**

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List of Annexures

Annexure A1 : A true copy of the judgment in ***K.Meghachandra Singh & Others v. Ningam Siro & Others***. Dated 19.11.2019 by the Hon'ble Apex Court

Annexure A2 - A true copy of the objection sent by the 2nd applicant dated 7.1.2020

Annexure A3 - A true copy of the memorandum no.54.A-24/14/6/2020/admin dated 30.01.2020 issued by the fourth respondent

Annexure A4 - A true copy of the judgment by the learned Central Administrative Tribunal, Jaipur in O.A No.194/2020 dated 23.6.2020

Annexure A5 - A true copy of the objection by the 1st applicant dated 30.6.2020

Annexure A-6 - A true copy of the office memorandum bearing No.20011/1/2012-Estt.D dated 4.3.2014.

Annexure A-7 - True copy of the representation dated 30.06.2020 submitted by the 2nd applicant to the 4th respondent

Annexure A-8 - True copy of the representation dated 30.06.2020 submitted by the 3rd applicant to the 4th respondent

Annexure A-9 - True copy of the representation dated 30.06.2020 submitted by the 4th applicant

Annexure A-10 - True copy of the representation dated 30.06.2020 submitted by the 5th applicant to the 4th respondent

Annexure A-11 - True copy of the representation dated 30.06.2020 submitted by the 6th applicant to the 4th respondent

Annexure A-12 - True copy of the representation dated 30.06.2020 submitted by the 7th applicant to the 4th respondent.

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