

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/194/2021

HYDERABAD, this the 3rd day of March, 2021



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

1. K. Prakasam,
S/o. Late Sri K. Bapa Rao,
Aged 70 years, (Group-C),
Occ: Retd Asst. Director, ESIC,
R/o. Villa No.8, Amulya Home, near G.R. Reddy Nagar,
Kapra, Hyderabad – 500 103.
2. T. Muralidhar Rao,
S/o. Late T. Laxmipatirao,
Aged about 74 years,
Occ: Retd. Insurance Inspector, ESIC,
R/o. H.No.5-104/1, Road No.10, Bhavani Nagar,
Dilsukhnagar, Hyderabad – 500 060.

...Applicants

(By Advocate : Sri Koka Satyanarayana Rao)

Vs.

1. Employees State Insurance Corporation rep. by its
Director General,
Panch Deep Bhavan, CIG Marg,
New Delhi – 110 002.
2. The Regional Director,
ESI. Corporation,
Hill Fort Road, Hyderabad – 500 063.
3. Union of India,
Ministry of Labour & Employment,
Government of India, Shamshakthi Bhavan,
Rafi Marg, New Delhi – 110 001.

....Respondents

(By Advocate : Sri N. Srinivasa Rao, SC for ESIC.)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

2. The OA is filed for a direction to fix the pay of the applicants notionally in the cadre of Insurance Inspectors from 1986 onwards and release the consequential monetary and pensionary benefits.



3. Brief facts of the case are that the applicants were appointed as LDCs in the respondents organization and they were promoted as UDCs/ Assistants. They appeared in the exam held for the selection to the post of Insurance Inspector/ Manager Grade-II. Respondents have declared the merit ranks on 1.9.1984 and informed that the offer of appointments / promotion orders will be released as and when vacancies arise. The respondents did not appoint the applicants in 1986 when the vacancies were available. The applicants were appointed as Insurance Inspectors on 14.05.1990. The seniority of the applicants was protected, but denied pay protection/ notional increments and other consequential benefits for the period 1986 to 1990, since applicants were entitled for appointment from 1986. When the juniors were appointed, applicants represented on 22.10.2020, which is not disposed and hence the OA.

4. The contentions of the applicants are that they are entitled for notional pay and pay protection from 1986 along with consequential benefits. Representations made should have been disposed. Not granting the benefit sought is denial of livelihood and violation of Articles 14, 16 & 21 of the Constitution.

5. Heard both the counsel and perused the pleadings on record.

6. The applicants while working as UDCs appeared in the exam held for the selection to the post of Insurance Inspector and their merit ranks were declared in 1984 and they were appointed in 1990 protecting their seniority from the year 1986. However, pay protection and other accompanying benefits that flow were not granted for the period from 1986 to 1990 and hence a representation dated 22.10.2020 was submitted which they claim has not been disposed. Their prayer is to direct disposal of the representation. Hence, the respondents are directed to dispose of the representation cited within a period of 8 weeks from the date of receipt of this order by issuing a speaking and reasoned order, in accordance with rules and as per law.

With the above direction, the OA is disposed without going into the merits at the admission stage. No costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/