

Central Administrative Tribunal  
Principal Bench, New Delhi

OA No.915/91

New Delhi: June 1, 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

1. Mrs Swaran Kanta  
Assistant  
ESI Corporation Regional Office  
Delhi Region  
Rajindra Place, New Delhi.
2. Shri D.R.Katyal  
Assistant/Head Clerk  
ESI Corporation Regional Office  
Delhi Region  
Rajindra Place,  
New Delhi.
3. Shri Khazan Singh  
Assistant  
ESI Corporation Regional Office  
Delhi Region  
Rajindra Place  
New Delhi.
4. Shri B.P.Bhatt  
Assistant  
ESI Corporation Regional Office  
Delhi Region  
Rajindra Place  
New Delhi

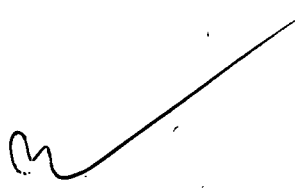
...Applicants

(By Advocate: Shri E.X.Joseph)

Versus

1. The ESI Corporation through  
its Director General  
Panchdeep Bhavan  
Kotla Road, IP Estate  
New Delhi-110 002.
  2. The Regional Director  
Delhi Region  
ESI Corporation  
Rajindra Place  
New Delhi
  3. Shri L.D.Kalra
  4. Shri M.M.Gupta
  5. Shri Kewal Krishan Charan  
All working as Assistants in the HQs office of ESI  
Corporation, Kotla Road, New Delhi.
- ...Respondents.

(By Advocate: Shri G.K. Nayyar)



O R D E R (Oral)

(X)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J).

The four applicants who are working as Head Clerks/Assistants in the Employees State Insurance Corporation in the regional office at Delhi have prayed for in this application filed under section 19 of the AT Act, 1985 the following reliefs:

- (i) Grant of orders striking down the All India gradation/seniority list of Head Clerks/Assistants for the recruitment years 1981 and 1982 as on 31.12.1989 issued vide memo No.A-24/14/2/88-Estt.I(B) dated 30.3.90;
- (ii) Grant of orders directing respondents Nos 1 & 2 to make promotions, regular as well as ad-hoc, to the post of Insurance Inspector/Manager Gr.II/Supdt. so far as posts/vacancies arising in the HQs office/regional offices/Directorate(Medical) Delhi from the among the Head Clerks/Assistants regularly appointed and working in the respective offices;
- (iii) Alternatively grant of orders directing respondents No.s 1 & 2 to make promotions, regular and ad-hoc, on the basis of an All India eligibility list of Head Clerks/Assistants prepared after introducing a weightage factor or any other similar method by which equality of opportunity for promotion is assured to all the Head Clerks/Assistants of the various offices irrespective of the variations in the promotional opportunities available in the respective offices;
- (iv) Grant of orders directing the respondents to follow the method of effecting ad-hoc promotions in the regional office, Delhi from among the Head Clerks/Assistants working in the same office;
- (v) Grant of orders directing the respondents 1 & 2 to fill in the 30 posts/vacancies in the post of Insurance

(18)

Inspector/Manager Gr.II/Supdt. which have arisen in the regional office, Delhi from among the Head Clerks/Assistants working in the same office;

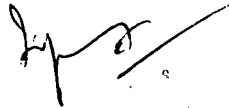
(vi) Grant of orders striking down and quashing any promotions effected to the post of Head Clerk/Assistant in the regional office, Delhi on the basis of an All India eligibility list.


2. The facts leading to the claims put forth in this application lie in a narrow compass. The Employees State Insurance Corporation has 21 regional offices and a central head office. Ministerial post in this Corporation, including the post of Head Clerk is treated as regional cadre and the post of Insurance Inspectors, though in Group-C is being treated as an All India cadre. This aspect is borne out from the Recruitment Rules (Annexure A-I) itself because column 13 of the Recruitment Rules shows that DPC consisted of officers of the Central Headquarters. The Corporation had been treating the post of Insurance Inspectors as one belonging to the All India Cadre and the applicants have also understood and accepted the same as such. The grievance of the applicants arose because while some Ministerial staff who joined the service in certain regional offices very late became UDCs and then Head Clerks within a very short span while in some other regional offices it took a very long period for similar staff to reach the post of Head Clerks. While seniority in the cadre of Head Clerk/Assistant reckoning from the date of entry into the cadre is reckoned for the purpose of promotions to the cadre of Insurance Inspectors, those who took long time to reach the cadre of Head Clerk/Assistant are comparatively at a disadvantage than those who reached that cadre within a short period. Those who took long time to become Head Clerks/Assistants are naturally dissatisfied with the situation and the applicants, it appears, belong to that category. It is under these circumstances that the applicants have prayed that the respondents may be directed to

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5. In the light of what is stated above, we do not find any legitimate grievance of the applicants to be redressed in this application. The application fails and the same is dismissed, leaving the parties to bear their own costs.

  
(K. Muthukumar)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)

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