

CENTRAL ADMINISTRATIVE TRIBUNAL**BANGALORE BENCH: BANGALORE****ORIGINAL APPLICATION NO.170/00435/2019****DATED THIS THE 22nd DAY OF JANUARY, 2020****HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER****HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

Smt. Vidyavati V.K.
W/o Sri Raju Katagi
Aged about 33 years
Working as Lab-Technician
Department of Laboratory
ESIC MC PGIMSR & Model Hospital
Rajajinagar, Bengaluru-560010.

...Applicant

(By Advocate Smt. M.V.Thanuja)

Vs.

1. The Secretary
Ministry of Labour & Employment
Department of Labour
Shrama Shakti Bhavan
Rafi Marg, New Delhi-110001.
2. The Secretary
Department of Expenditure
Ministry of Finance
North Block
New Delhi-110001.
3. The Director General
Employees State Insurance Corporation
Head Quarters Office
Panchadeep Bhavan, CIG Marg
New Delhi-110002.
4. The Regional Director
Regional Office Employees
State Insurance Corporation
Binnypet, Bengaluru-560023.
5. The Dean
ESIC MC PGIMSR & Model Hospital
Rajajinagar, Bengaluru-560010.

....Respondents

(By Advocate Shri N.Amaresh, Sr.PC for CG)

O R D E R (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))

Heard. The matter is very simple. The Learned Counsel for the respondents would say that ESIC, even though fully benefited and instrumented by the Government coming under the statute, had already decided to place before the committee the matter of implementation of 7th CPC pay scales for their people also and for that purpose, they seek amendment of the Recruitment Rules. Therefore, they say that the OA may shortly become infructuous. But then the 7th Pay Commission report was implemented some time back but till now nothing has been rectified. Therefore, there is no need to go away with amended RRs. If at all now there must be equity and equality in the Govt. service. There is no difference between the employees of ESIC and other Govt. employees under the governance system and therefore other than in the system of governance to follow, it is not materialised at all. Therefore, the applicant is also eligible for the same benefit as is extended to other Govt. Corporations also as both are doing the same functions under the same circumstances with the same qualifications also. Therefore, the OA is allowed. The benefits are to be extended within two(2) months next. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA.No.170/00435/2019

Annexure-A1: 7th CPC recommendation
Annexure-A2: 7th CPC implementation
Annexure-A3: Order dtd.1.6.2018
Annexure-A4: Endorsement dtd.6.2.2019
Annexure-A5: ESIC Act 1948
Annexure-A6: 7th CPC implementation in AIIMS dtd.2.4.2016
Annexure-A7: OM dtd.28.9.2016
Annexure-A8: Order dtd.13.12.2018
Annexure-A9: Order dtd.22.2.2018 for implementation of 7th CPC
Annexure-A10: Representation dtd.25.11.2016

Annexures with reply statement:

Annexure-R1: Memorandum dtd.8.1.2013
Annexure-R2: Gazette of India dtd.21.5.2011
Annexure-R3: Memorandum dtd.30.3.2018 along with its enclosures

Annexures with rejoinder:

Annexure-RJ1: Membership Certificate in ESIC MLTA
Annexure-RJ2: Members List
Annexure-RJ3: Order in OA.1692/2018
Annexure-RJ4: Memorandums for implementation of 7th CPC recommendations
Annexure-RJ5: Existing ESIC RRs
Annexure-RJ6: Existing CGHS RRs
Annexure-RJ7: MoH&FW order dtd.5.4.2018
Annexure-RJ8: Data collected through RTI
Annexure-RJ9: All CHS & ESIC comparative study
Annexure-RJ10: CGHS & ESIC Lab Assistant & Technician job responsibility
Annexure-RJ11: Office order dtd.22.7.2019

Annexures with additional reply:

-NIL-
