

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 388 of 2011

Tuesday, this the 20th day of September, 2011.

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

K.P. Appachan, aged 58 years, S/o. K.K. Pappu,
 Joint Director, Employees' State Insurance Corporation
 Regional Office, Thrissur, Residing at : ESIC Staff Quarters
 No. D-4, Kuttanalloor, Thrissur District.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

- 1 The Director General, Headquarters
 Employees' State Insurance Corporation
 Panchdeep Bhavan, C.I.G. Road
 New Delhi – 110 002.
- 2 The Secretary to the Government of India
 Ministry of Personnel, Public Grievances & Pension
 (Department of Personnel & Training)
 New Delhi – 110 001.
- 3 Shri Mahavir Singh Dahiya
 Joint Director I/C
 Sub-Regional Office
 ESI Corporation
 Plot No. 47, Sector – 34
 Near Hero Honda Chowk
 Gurgaon, Haryana – 122 001.
- 4 Shri L.K. Gupta, Joint Director
 Sub-Regional Office
 ESI Corporation
 Panchdeep Bhavan
 Ganeshpett, Nagpur – 440 018.
- 5 Shri Soumyendu Biswas
 Joint Director, Regional Office
 ESI Corporation, Panchdeep Bhavan
 108-N.M. Joshi Marg, Lower Parel

Mumbai – 400 013.

- 6 Shri Sanjay Kumar Sinha
Joint Director I/C
Sub-Regional Office
ESIC Hospital Building
5th Floor, Wakhale Estate
Thane – 400 604.
- 7 Shri S. Ravi Chandran
Joint Director I/C
Sub-Regional Office
ESI Corporation
Municipal Shopping Complex
Salen Street, Poonjhurai
Thirunalveli – 627 001. TN
- 8 Shri Akshay Kala, Joint Director
ESI Corporation
Panchdeep Bhavan
C.I.G. Marg, New Delhi – 110 002.
- 9 Shri Arvind Kumar, Joint Director
Regional Office, ESI Corporation
Madya Marg, Sector – 19 A
Chandigarh.
- 10 Shri Arun Pandey, Joint Director I/C
Sub-Regional Office
ESI Corporation, Barrackpore
Kamarhati, 5th Floor
44/A, B.L. Ghosh Road
Kamarhati, Kolkata – 700 058.
- 11 Shri S.V. Krishna Kumar, Joint Director
Regional Office, ESI Corporation
Panchdeep Bhavan, 143 Sterling Road
Chennai – 600 034.
- 12 Shri Raj Kanwal, Joint Director
ESI Corporation
Panchdeep Bhavan, C.I.G. Marg
New Delhi – 110 002.
- 13 Shri Joseph C.V, Joint Director (Admn.)
ESIC Hospital & Medical College
Paripally, Kollam – 691 574.
- 14 Shri Keshavadas R, Joint Director

ESI Corporation
Panchdeep Bhavan, C.I.G. Marg
New Delhi – 110 002.

- 15 Shri Gunasekaran R, Joint Director
Regional Office, ESI Corporation
Panchdeep Bhavan, 143-Sterling Road
Chennai – 600 034.
- 16 Shri Harbir Singh, Joint Director I/C.
ESI Corporation, 5-R.K. Plaza
Bhupalpura, Udaipur – 313 001.
Rajasthan.
- 17 Shri A.P. Tripathi, Joint Director
ESI Corporation
Panchdeep Bhavan, C.I.G. Marg
New Delhi – 110 002.
- 18 Shri Dhirendra Kumar Mishra
Joint Director
ESIC Model Hospital
Namkum Ranchi
Jharkhand – 834 010.
- 19 Shri Deepak Joshi, Joint Director
ESI Corporation
Panchdeep Bhavan, C.I.G. Marg
New Delhi – 110 002.
- 20 Shri Kewal Singh Dhaliwal
Joint Director
Sub-Regional Office
ESI Corporation
S.C.F. 22-23, Urban Estate
Phase -II, Focal Point
Ludhiana – 141 003.
- 21 Shri Prem Nath Ghai, Joint Director
ESIC Model Hospital
Sector -24, Noida (U.P)
- 22 Shri Bharat Bhushan Arora
Joint Director (Admn.)
ESIC Hospital, Rohini
Sector – 15, New Delhi – 110 085.
- 23 Shri Binod Kumar Srivastava
Joint Director, Regional Office

ESI Corporation, Panchdeep Bhavan
 108-N.M Joshi Marg, Lower Parel
 Mumbai – 400 013.

- 24 Shri Naval Kishore Tiwari
 Joint Director, ESI Corporation
 Panchdeep Bhavan, C.I.G. Marg
 New Delhi – 110 002.
- 25 Shri Surjit Das, Joint Director
 Regional Office, ESI Corporation
 Panchdeep Bhavan, 5/1-Grand Lane
 Kolkatta – 700 012.
- 26 Shri Anil Chandra Bhat R.
 Joint Director (Admn.)
 ESIC Hospital, Ezhukone
 Kollam – 691 505.
- 27 Shri Rajesh Kumar Saxena
 C/o. The Regional Director
 ESI Corporation, Regional Office
 D.D.A. Office Complex
 Rajendra Place, New Delhi – 110 008.
- 28 Shri Deoki Nandan, Joint Director I/C.
 Divisional Office, ESI Corporation
 767, Jeevan Nagar, Model Town
 Ambala City, Haryana.
- 29 Shri Mahendra Kumar Arya
 Joint Director
 National Training Academy
 ESI Corporation, EPFO Complex
 NRPO Building, Data Centre
 Sector -23, Dwaraka
 New Delhi – 110 075.
- 30 Shri Anil Kumar, Joint Director I/C
 ESI Corporation
 ESI Hospital Campus
 Pandeypur, Varanasi – 221 002.
- 31 Shri Dasu V., Joint Director
 Regional Office
 Panchdeep Bhavan
 143, Sterling Road
 Chennai – 600 034.

32 Shri Ramakoti B, Joint Director I/C
 Sub-Regional Office
 ESI Corporation, P-96
 ESI Hospital Complex
 Chikalthana, Naregaon Road
 Aurangabad – 431 910.

33 Shri Amar Nath Prasad
 Joint Director (Admn.)
 ESIC Hospital
 Okhala Industrial Area Phase -1
 NCR-Delhi.

34 Shri Ramji Lal Meena, Joint Director (Admn.)
 ESIC Model Hospital
 Jaipur, Rajasthan

35 Shri T.T. Mammen Tharakan
 Joint Director, ESIC Corporation
 Panchdeep Bhavan, C.I.G. Marg
 New Delhi – 110 002.

36 Shri Sunil Taneja, Joint Director
 ESI Corporation
 Panchdeep Bhavan, C.I.G Marg
 New Delhi – 110 002. Respondents

[By Advocates – Mr. T.V. Ajayakumar (R1),
 Mr. K.R.B. Kaimal, Sr. &
 Mr. B. Unnikrishna Kaimal (R5, 7, 13, 15, 16, 20 & 25)]

This application having been heard on 20.09.2011, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

The applicant impugns Annexures A-1 and A-3 to the extent they relate to the applicant. He also seek for quashing Annexures A-2 and A-4 to the extent they place the respondents Nos. 3 to 36 above the applicant in the seniority list. There is a further prayer that the applicant be regularized in the post of Joint Director and consider him for further promotion to the post

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of Regional Director.

2. Though the applicant is provisionally promoted as Joint Director, but according to him he had been shown junior to many of the party respondents by revising the final seniority list.

3. During the pendency of the Original Application the seniority list was again revised restoring the seniority of the applicant. Though it is a provisional seniority list, as of now the earlier seniority list impugned in this Original Application has no existence. If only, at the time of finalizing the seniority list there is a further change made to the provisional seniority now published, lowering the position of the applicant that a further grievance if any would arise for the applicant to challenge. Leaving open such right and now that the applicant's seniority has been restored provisionally, we close this Original Application.

4. Though the applicant had a case that he is entitled to be considered for promotion to the post of Regional Director based on the seniority position and in accordance with law, such things will be taken up by the respondents. The learned counsel appearing for the applicant also requested that a time limit may be fixed for finalizing the seniority list. Considering the fact that the provisional seniority list was published only on 14th September, 2011 and a time limit of one month is given for submitting objection, it may not be appropriate for us to fix a time limit to publish the final seniority list. However, we hope that there will be no inordinate delay in publishing the final seniority list.



5. Original Application stands disposed of in the above terms. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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