

**Central Administrative Tribunal
Principal Bench**

MA No.110/2018
OA No.732/2017

New Delhi this the 11th day of January, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)

1. Hemant Kumar Pandey (Group B)
Deputy Director
ESIC, Age 44 years
S/o Late Shri Kamla Kant Pandey
R/o Quarter No. 3, Type-IV, ESIC Colony,
Sector-56, Noida-201301
2. Deepak Malik
Deputy Director
ESIC, Age 42 years
S/o Shri Om Parkash Malik
R/o C-66 Mohan Garden,
New Delhi-110059
3. Dushyant Pande
Deputy Director
ESIC, Age 40 years
S/o Shri Arun Kumar Pande
R/o B-229, Sector-55,
Noida-201301
4. Sunil Kumar Mehto
Deputy Director
ESIC, Age 37 years
S/o Shri Kamakhya Mehto
R/o T-83, Upper Ground Floor,
Shukkar Bazar,
Uttam Nagar, New Delhi-110059.
5. Gautam Kumar
Deputy Director
ESIC, Age 35 years
S/o Shri Purushottam Kumar
R/o 1st Floor, WA-79,
Gali No. 18, Shakarpur,
New Delhi-110092.

-Applicants

(By Advocate: Shri Padma Kumar S.)

Versus

1. Union of India, through
Secretary,
Ministry of Labour and Employment
Shram Shakti Bhawan
New Delhi-110001
2. Secretary,
Union Public Service Commission
Dholpur House,
Shahjahan Road,
New Delhi-110003
3. The Director General
Employees State Insurance Corporation Headquarters
Panchdeep Bhawan, CIG Marg
New Delhi-110 002
4. R.S. Mishra
Joint Director
ESIC Age 60 years
S/o Late Shri Ram Charitra
R/o A-3, Sumukh Apartments,
Jawahar Chowk,
Maninagar, Ahmedabad, Gujarat-380008.
5. Aruna Sharma
Joint Director
ESIC, Age 60 years
D/o M B Janakiram
R/o No. 27 (New No. 58),
Visuvasapuri, 5th Street
Gnanavolivupuram, Madurai-1,
Karnataka
6. V.K. Goyal
Joint Director
ESIC, Age 61 years
S/o Dwarika Prasad
R/o 56/100 Rajatpath, Mansarover,
Jaipur-302001
7. P. Tripathy
Joint Director
ESIC, Age 60 years

S/o Shri S Tripathy
R/o VIM-135, Sailashree Vihar,
Chandrashekharapur, Bhubaneswar,
Odisha-751021.

8. Rajesh Kumar
Joint Director
ESIC, Age 60 years
S/o Shri M P Sinha
R/o Avinash Kunj,
Harihar Rai Path, Road 12,
House No.36, Indra Pur Post,
Keshrinagar, Patna,
Bihar
9. S.S. Srivastava
S/o Late Shri K.L. Srivastava,
Age 55 years
R/o 31-32, Pocket 8B, Sector 15,
Rohini, New Delhi.
10. R.S. Ram
S/o Late Shri Mangoo Ram,
Age 58 years,
R/o 53/2 Shivaji Nagar, Gurgaon, (HR)
11. Praveen Kumar
S/o Shri B.R. Gupta,
Age-54 years, R/o 66 Raj Nagar,
Pitam Pura, New Delhi.
12. Heera Singh
S/o Late Shri Govind Singh,
Age 46 years,
R/o A-128, West Vinod Nagar, Delhi-110092
13. Sugan Lal Meena
S/o Shri Kishori Lal Meena,
Age-43 years,
R/o F-153, Street No. 37,
Sadh Nagar Palam Colony,
New Delhi-45.
14. Sushil Sachdeva
S/o Late Shri Om Prakash
Age 44 years
R/o 12/46, Subhash Nagar,
New Delhi-110027
15. Vinay Kumar Shrama,
S/o Virender Kumar,
Age 45 years
R/o 1891, Mahagun Moderne, Sector 78
Noida 201301

16. Pranava Kumar,
S/o Late Shri Mahendra Jaiswal,
Age 47 years, R/o Plot No. 575,
First Floor, Shaktikhand-3,
Indirapuram, Ghaziabad 201014 (UP)
17. Ashutosh Giri,
S/o Brija Giri,
Age 43 years,
R/o 15, ESI Colony, Sector-56,
Noida.
18. Surya Prakash Pandey
S/o Phool Chandra Pandey,
Age 40 years,
R/o 7, ESIC Colony, Sector-56, Noida
19. Anurag Kumar,
S/o Shri Murari Mohan Singh,
Age 42 year, R/o 43, ESIC Colony,
Noida UP
20. Shailendra Singh Rawat,
S/o Dayal Singh Rawat,
Age 43 years,
R/o 51-Akhashdeep Colony,
Dehradun (Uttarakhand)

-Respondents

(By Advocate: Shri Suresh K. Sharma, Ms. Poonam Singh
and Shri Amit Anand)

ORDER (Oral)

Justice Permod Kohli:

The principal relief claimed in the present OA is for declaring the Regulations of 2013 as *ultra vires* of the Constitution being discriminatory and unreasonable.

2. Mr. Padma Kumar S., learned counsel for the applicants has made a statement at the Bar that in the counter affidavit filed by the official respondents the Recruitment Regulations are under review. In Para-20 thereof, it is stated that the Recruitment Regulations are under review as

per the directions of the Ministry of Labour and Employment, as contained in letter dated 29.11.2016. Learned counsel for the applicants has also filed rejoinder and placed on record Memorandum dated 29.12.2017 whereby the draft Recruitment Regulations namely, the Employees' State Insurance Corporation, Deputy Director Regulations, 2017 and for other posts were circulated. The respondents have invited objections to the draft Recruitment Regulations.

3. The grievance of the applicants is redressed on the basis of the draft Recruitment Regulations namely, the Employees' State Insurance Corporation, Regional Director Grade 'B'/Joint Director Recruitment Regulations, 2017.

4. In this view of the matter, this OA is disposed of with the following directions:-

The respondents will complete the process of notifying the Recruitment Regulations namely, the Employees' State Insurance Corporation, Regional Director Grade 'B'/Joint Director Recruitment Regulations, 2017 after receiving the objections from all the stakeholders, including the applicants in MA No.4051/2017, within a period of three months from the date of receipt of a certified copy of this order.

5. Consequently, MA No.110/2018 is also disposed of. No costs.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

cc.