

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00595 TO 614/2017

DATED THIS THE 27TH DAY OF APRIL, 2018

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

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

1.Chendran Kumar,
Junior Radiographer,
Aged about 33 years,
S/o Hanumanthaiah,
51/794, Sri Krishna Nilaya,
Jithendra Nagar (Kidwai Layout),
1st Cross, 4th Block, Anjanapura,
Bengaluru-560 062.

2.Santhosh S. Kumar,
Junior Radiographer,
Aged about 34 years,
S/o Shankarappa G. Kammar,
No.2, 29th Main, Sakamma Layout,
Near Spandana Hospital,
Nandini Layout,
Bengaluru-560 062.

3.Venkata Nagendra,
Junior Radiographer,
Aged about 32 years,
S/o Chowdaiah,
No.236, Thulasamma Layout,
Manorayana Palya,
Sultan Palya, R.T. Nagar Post,
Bengaluru-560 032.

4.Channegowda L.B.,
Junior Radiographer,
Aged about 31 years,
S/o Byralingaiah,
No.12, Lakkenahalli,
Sondekoppa Post,
Bengaluru-560 130.

5.Mohammed Thousif Aswad Saif,
Junior Radiographer,
Aged about 30 years,
S/o Saifulla Shariff,
No.230, 5th Cross, 6th Main,
Near Annamma Circle,

Lakshmidhevi Nagar,
Nandini Layout,
Bengaluru-560 096.

6.Shreekant B. Demashetti,
Radiographer,
Aged about 52 years,
S/o Basappa S. Demashetti,
LF-45/10, ESIC Staff Quarters,
Nandini Layout,
Bengaluru-560 096.

7.Suresh R. Rathod,
Radiographer,
Aged about 49 years,
1st Main, Manjunath Nagar,
Rajajinagar,
Bengaluru-560 010.

8.Santosh Mathapati,
Radiographer,
Aged about 37 years,
S/o Basavaraj Mathapati,
No.870, Out House,
15th Main, 3rd Block,
Rajajinagar,
Bengaluru-560 010.

9.Shashikala V.B,
Radiographer,
Aged about 37 years,
D/o Kumaraswamy,
ESIC Staff Quarters,
Nandini Layout,
Bengaluru-560 096.

10.Jagadeesha. R.,
Junior Radiographer,
Aged about 35 years,
S/o Late Ramachandra,
ESIC Staff Quarters,
Nandini Layout,
Bengaluru-560 096.

11.Bhuvaneshwari R. Bhure,
Junior Radiographer,
Aged about 33 years,
D/o Gururaj Katwe,
No.204, Sarang Apartment,
West of Chord Road,
Near Variyar Bakery,
Rajajinagar, Bengaluru-560 010.

12.Ananda K.S.,
Radiographer,
Aged about 32 years,
S/o Shivappa K.,
ESIC Staff Quarters,
Nandini Layout,
Bengaluru-560 096.

13.Hemant Prakash Joshi,
Junior Radiographer,
Aged about 31 years,
S/o Prakash Bhimbhatt Joshi,
No.359, Manjunath Nagar,
Rajajinagar,
Bengaluru-560 010.

14.Sathisha. S,
Junior Radiographer,
Aged about 34 years,
S/o Late Shivanna,
Shivnagar, Manjunath Nagar,
Bengaluru-560 010.

15.Suresh J,
Junior Radiographer,
Aged about 32 years,
S/o Jayaraman.B,
ESIC Staff Quarters,
No.14, 8th Main, 9th Cross,
Shivnagar, Rajajinagar,
Bengaluru-560 010.

16.Hanumanthe Gowda K.,
Junior Radiographer,
Aged about 35 years,
S/o Kempaiah,
No.747, New Maside Road,
T. Dasarahalli,
Bengaluru-560 057.

17.Mohammed Nayeem Azhar,
Junior Radiographer,
Aged about 29 years,
S/o Mohammed Haneef,
No.58/10A, Magadi Main Raod,
Kachohalli Village,
Bengaluru North-560 091.

18.Manjunath Ganapati Naik,
Junior Radiographer,

Aged about 32 years,
S/o Ganapati Naik,
No.18, 8th Main, 8th Cross,
Shivnagar, Rajajinagar,
Bengaluru-560 010.

19.Nagaraj M. (Ex-serviceman),
Junior Radiographer,
Aged about 54 years,
S/o Muthu,
No.14, 8th Main, 9th Cross,
Shivnagar, Rajajinagar,
Bengaluru-560 010.

20.Saikiran P.P.,
Junior Radiographer,
Aged about 27 years,
No.40/13-6, 1st Floor,
8th Cross, B-Block,
Govindrajnagar,
Bengaluru-560 040.

(All the above Sl. Nos. 1 to 5 are working in ESIC
Hospital, Peenya, Yeshwanthpur, Bengaluru-560
062 & Sl. Nos. 6 to 20 are working in ESIC,
Rajajinagar, Bengaluru-560 010). ...Applicants.

(By Advocate Shri N.G. Phadke)

V/s.

1. Union of India,
Represented by its Secretary,
Department of Labour,
Shrama Shakti Bhavan,
Rafi Marg, New Delhi-110 001.
2. Employees' State Insurance Corporation,
Head Quarters Office,
Panchadeep Bhawan, C.I.G. Marg,
New Delhi-110 002.
Represented by its Director General.
3. Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training,
Government of India, North Block,
New Delhi-110 001, by its Secretary.
4. The Medical Superintendent,
ESIC, Model Hospital,
Rajajinagar,
Bengaluru-560 010.

5. The Medical Superintendent,
ESIC Hospital,
Peenya, Yeshwanthpur,
Bengaluru-560 022. ...Respondents

(By Shri V.N. Holla, Standing Counsel for the Respondents)

O R D E R(ORAL)

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

We heard both the counsel. It is submitted at the bar by both that OA.No.291/00645/2015 and OA.No.417/2014 relied on by the applicants have been implemented, but subject to the result of the Writ Peition pending in the Hon'ble High Court of Delhi.

2. Therefore, this matter is also disposed of in accordance with the judgement in OA.No.291/00645/2015 and OA.No.417/2014, but of course subject to the result of the matter pending in the Hon'ble High Court of Delhi.

3. At this point, Shri V.N. Holla raises an issue that only on undertaking that arrears can be paid, as said by the Hon'ble High Court of Delhi. This can be adoptd here also. Let the applicants give an undertaking and obtain the arrears.

4. OA allowed as above. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

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

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Annexures referred to by the applicants in OA.No.595-614/2017.

Annexure- A1: Advertisement dated 23.02.2008 as to recruitment of Paramedical staff.

Annexure- A2: Advertisement dated 11.06.2010 as to recruitment of Paramedical staff.

Annexure- A3: Copy of the order dated 06.12.2016 in OA.No.291/00645/2015.

Annexure- A4: Copy of the order dated 18.01.2017 in OA.No.170/01183-01207/2015.

Annexure- A5: Request letter dated 01.09.2017.

Annexures referred to by the respondents in the reply

Annexure- R1: Advertisement issued by Safdarjung Hospital, Government of India, New Delhi.

Annexure- R2: Section -17 of the ESI Act.

Annexure- R3: ESIC Hqrs' Office letter dated 21.03.2018.

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