

LIBRARY

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CALCUTTA BENCH, CALCUTTA**

O.A. No. 1172 OF 2017

In the matter of :

1. **UTTAM SHARMA**, son of late Durga Prasad Sharma, aged about 47 years, working as C.S.R. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Quarter No. B-2/3, ESIC Hospital Campus, P.O. Joka, Kolkata - 700 104.
2. **ASHIMA NANDI**, wife of Sri Sukumar Nandi, aged about 43 years, working as C.S.R. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Swamiji Abasan, House No. A-92, P.O. Joka, Kolkata - 700104.
3. **SK. SOWFIKI HOSSAIN**, son of Sk. Tajmul Hossain, aged about 46 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at B7/39 Sunny tower, P.O. Joka, Kolkata 700 104.
4. **AJOY DAS**, son of Late Subal Chandra Das, aged about 48 years, working as C.S.R. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at 1/1/62, Dum Dum Road, Kolkata 700 002.
5. **SHAMBHU NATH DAS**, son of late Atul Chandra Das, aged about 47 years, working as O.T. Technician in ESIC Hospital and ODC (EZ),

*Uttam Sharma*

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Joka, Kolkata, residing at E-14/5, paner Ara Jagir Ghat Road, P.O. Thakurpukur, Kolkata 700 063.

6. **NADIRA KHATUN**, daughter of Md. Fazlul Haque, aged about 42 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at A-3/7, Diamond Park, P.O. Joka, Diamond Harbour Road, Kolkata 700 104.
7. **RATAN DUARI**, son of Sachindra Nath Duari, aged about 47 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Qr. No. B-315, ESIC Hospital Complex, Joka, Kolkata 700 104.
8. **ANANDA MITRA**, son of Late Bibhuti Mitra, aged about 45 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at B-97, Flat No. 4, Diamond Park, Joka, Kolkata 700 104.
9. **ANITA SARKAR**, wife of Pran Gopal Sarkar, aged about 46 years, C.S.R. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at 20, Satyen Park 1<sup>st</sup> Lane, M.G. Road, P.O. Joka, Kolkata 700 104.
10. **ANJANA BHANDARI**, wife of Nimai Bhandari, aged about 41 years, working as C.S.R. Technician in ESIC Hospital and ODC (EZ),

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Joka, Kolkata, residing at Kalua Pal Para, House No. 92, M.G. Road, P.O. Joka, Kolkata 700 104.

11. **SABITA DAS**, daughter of Late Nemai Das, aged about 44 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at 3No. Surhar 2<sup>nd</sup> Lane, Kolkata 700 010.

12. **JHARNA CHATTERJEE**, wife of Goutam Chatterjee, aged about 46 years, working as C.S.R. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Loknath Apartment, Flat no. 302, C-25, Diamond Park, P.O. Joka, Kolkata 700 104.

13. **CHANDRA KANTA HALDER**, son of Suhir Chandra Halder, aged about 56 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Vill. Tulsir Chak, P.O. Shyam Basur Chak, P.S. Kulpi, Dist. South 24- Parganas.

14. **CHHABI KOLEY @ DAS**, wife of Kalipada Koley, aged about 45 years, working as C.S.R. Asst. in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at C-14, Diamond Park, P.I. Joka, Kolkata 700 104.

15. **SHANTIMOY RASHIT**, son of late Manik Lal Rakshit, aged about 36 years, working as O.T. Asst. in ESIC Hospital and ODC (EZ), Joka,

Kolkata, residing at Vill. & P.O. Jhantipahari,  
Dist. Bankura, Pin 722 137.

16. **RAM CHANDRA PRASAD**, son of late Jiut Prasad, aged about 47 years, working as C.S.R. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Quarryer No. B/313, E.S.I.C Hospital Campus, P.O. Joka, Kolkata 700 104.
17. **TAPAS KUMAR DAS**, son of late Nemai Das, aged about 43 years, working as O.T. Asst. in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at Vill & P.O. Alampur, P.S. Nodakhali, Dist South 24 Parganas, Pin 743 318.
18. **SAMAR KUMAR JANA**, son of Pashupati Jana, aged about 46 years, working as O.T. Technician in ESIC Hospital and ODC (EZ), Joka, Kolkata, residing at 9/8/3, Eanj Sarani, Koka Friends Housing Society, Master Society Road, P.O. Joka, Kolkata 700 104.

...APPLICANTS

### VERSUS

1. **UNION OF INDIA** through the Secretary to the Govt. of India, Ministry of Laour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.

2. **THE DIRECTOR GENERAL**, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi - 110002.

3. **THE MEDICAL COMMISSIONER**, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi - 110002.

4. **THE FINANCIAL COMMISSIONER**, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi - 110002.

5. **THE MEDICAL SUPERINTENDENT**, ESIC Hospital and ODC (EZ), Joka, Kolkata, - 700104.

...RESPONDENTS

No. OA. 350/1172/2017

Date of Order: 08.05.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Ms. K. Chakraborty, Counsel

For the Respondents : Mr. S. Banerjee, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard Id. counsel for both the parties.

2. The applicants 18 in numbers had jointly preferred OA.1400/2016 to seek benefits of the order passed by the Principal Bench of this Tribunal in OA. 2995/2014 and OA. 2996/2014 ordered on 19.04.2016 which was upheld higher up. They sought for Grade Pay of Rs. 2400/- for discharging identical job as discharged by such applicants in the said OA. Laboratory Assistant. In this OA they have assailed the speaking order dated 11.04.2017 issued by the Medical Superintendent in view of the direction of this Tribunal in OA. 1400/2016.

3. In the said speaking order the respondent authority clearly and unambiguously indicated that the Grade Pay of Rs. 2400/- was allowed to such Laboratory Assistants who had approached the Principal Bench in OA. 2995/2014 and in OA. 2996/2014 respectively and disallowed to the present applicants as they were not parties therein. There is no whisper about the fact that the present applicants are not the identical circumstanced to such applicants. Yet they languish in the grade pay of Rs. 2000/- simply because they had not approached the Tribunal earlier.

4. In view of the fact that the respondents have denied neither specifically nor evasively that the present applicants are identical circumstanced to such applicants who had approached the Principal Bench, for parity of reasons they would deserve identical reliefs.

5. The respondents have also indicated that the benefits of the Grade Pay of Rs. 2400/- has been allowed to such applicants provisionally subject to the outcome of W.P. No. 9512/2009 filed by the Directorate (Medical) Delhi in Hon'ble High Court of Delhi against the order passed in the aforesaid OAs.

6. Therefore, there is nothing to indicate that the present applicants are not identically circumstanced to the said applicants in OAs. 2995/2014 & 2996/2014, we direct the authorities to extend the identical benefits to the present applicants i.e. grant of Grade Pay of Rs. 2400/- as extended to such applicants who had approached the Principal Bench in the said OAs, but subject to the outcome of W.P. No. 9512/2009.

7. Let appropriate orders be issued to that effect, within a period of 2 months from the date of receipt of this order.

8. Accordingly, the OA stands disposed of. No costs.

(Dr. Nandita Chatterjee)  
Member (A)

(Bidisha Bajerjee)  
Member (J)

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