

Central Administrative Tribunal  
Patna Bench, Patna.  
[ Circuit Court at Ranchi]

OA 51/671/2018

**Date of Order:- 27.11.2018**

**C O R A M**  
**Hon'ble Shri J. V. Bhairava, Member [ J ]**  
**Hon'le Shri B.V. Sudhakar, Member A)**

Bombesh Prasad, son of lat Badri Prasad, resident of Flat No. 302, Gopal Enclave, Shahdev Homes, Khijri, P.O. and P.S. Namkom, District Ranchi and 10 others.

....Applicant

By Advocate : Shri S. Sekhar

Vs.

1. The Union of India through the Secretary to the Government of India, Ministry of Labour & Employment Department, Rafi Marg, Sharmshakti Bhawan, New Delhi-110001 and two others.

..... Respondents.

By Advocate : Shri H.K. Mehta.

**O R D E R (ORAL)**

**Per J.V. Bairavia, M [ J ] :-** In the present OA, the main grievance raised by the applicant is for issuance of direction upon the respondents to restore the seniority of the applicants in UDC cadre with retrospective effect i.e from the date of their joining in the Jharkhand region and therefore the applicants had submitted various representation before the concerned

authority but elicited no response. It has been further submitted by the I/c for applicant that in a similar matter i.e Civil Appeal No. 4611 of 2013 (The Regional Director, ESIC & Anr Vs Soumitra Sengupta & Ors) Hon'ble Apex Court had settled the issue vide its order dated 23.11.2017 and directed the respondents to consider the case of the applicants for promotion to the post of Assistant, counting their services and seniority on the post of UDC as continuous w.e.f the actual date of their promotion in UDC cadre though in different regions, to b counted in the Jharkhand Region. (Annexure A/16 refers). The I/c for applicant submitted that in the light of the said judgement, the applicants had filed their representations before the concerned authority which are still pending before the Director General Estt BR.II, ESI Corporation, New Delhi.. The I/c for applicant further submits that the applicant will be satisfied, if an appropriate direction is given to the respondents to consider their pending representations in the light of the order passed by the Hon'ble Apex Court.

2. The I/c for respondents has no objection to the proposition of I/c for applicant but he submits that the same will be done in accordance with the policy/instruction as also in the light of the judgement passed by the Hon'ble Apex Court.

3. Considering the factual matrix of the present OA and the submissions made by the parties, it is appropriate to direct the respondent no.2 to consider the pending representations of the applicant within 60 days from

the date of receipt of the copy of this order in the light of the order passed by the Hon'ble Apex Court as referred hereinabove and pass a reasoned and speaking order.

4. Accordingly, the O.A stands disposed of with no order as to costs.

[ B.V. Sudhakar] M [ A ]

[ Jayesh V. Bhairavia] M [ J ]

/mks/