

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00758/2017

DATED THIS THE 09<sup>TH</sup> DAY OF OCTOBER, 2018

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

**HON'BLE SHRI C V SANKAR, MEMBER (A)**

Sri Tamil Maran,  
S/o Parasuraman,  
Aged about 31 years,  
Working as Plaster Assistant,  
Employees' State Insurance  
Corporation Hospital,  
Peenya, Bangalore – 560 058

...Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1. The Union of India

Rep by its Labour Secretary,  
Ministry of Labour and Employment,  
Shrama Shakthi Bhavan,  
New Delhi – 110 001

2. The Director General,

Employees' State Insurance Corporation,  
Panchdeep Bhawan,  
Comrade Inderjeet Gupta (CIG) Marg,  
New Delhi – 110 002

3. The Medical Commissioner,

Employees' State Insurance Corporation,  
Panchdeep Bhawan,  
Comrade Inderjeet Gupta (CIG) Marg,  
New Delhi – 110 002

.....Respondents

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

O R D E R (ORAL)

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

Heard. This matter is in a very small compass. The issue is relating to transfer under Inter-Regional Transfer of Plaster Assistant. Apparently under RTI it has come out that the applicant had been asking for this post at Chennai on Inter-Regional Transfer which is available to him normally on 2015 and 2016 on the basis of completion of 3 years of service and Office Memorandum F.No. 28034/9/2009-Estt(A) dated 30.09.2009 of the Ministry of Personnel, Public Grievances and Pensions, Government of India.

2. But then the Administration Branch vide Annexure-A10 information sought under RTI under U.O. Note No. 512 A(Z)12/14/RTI Act dated 31.07.2017 had indicated that there are 9 sanctioned posts of Plaster Assistant and 2 posts of Plaster Assistant (DR) are filled up at Chennai. Shri V.N. Holla, learned counsel for the respondents, submits that out of the number of posts sanctioned 50% is for promotion and 50% is for direct recruits. Therefore since there are 9 posts of Plaster Assistant, 4.5 should be for direct recruits and 4.5 should be for promotion. But then he would say that there are only 3 posts now vacant and all 3 are for promotion. It cannot be so for the very simple reason that when there are 4 posts of Plaster Assistant *in situ* only half more post can be made available for promotion and not for 3 since Plaster Assistant now *in situ* for direct recruits is only 2. Therefore without any doubt some manipulation is made by the respondents here. Therefore it is hereby declared that according to Annexure-A10 issued by the respondents themselves, 2.5 post of direct recruit Plaster Assistant is available at Chennai and therefore there will be a mandate to the respondents to accommodate the applicant in one of those posts within one month next.

3. At this point of time, Shri V.N. Holla submits that it may not be read as he had stated that 50% posts are earmarked for promotion and 50% for direct recruitment. Therefore we quote from Annexure-A13:

<b>"Point No.</b>	<b>Query</b>	<b>Reply</b>
	<i>As per the O.O. No. 60/2018 dated 14.06.2018 issued by Medical-VI Division of ESIC Hqrs. Office with regard to the IRT transfer, I Tamil Maran working as Plaster Assistant in ESIC Hospital, Peenya, Bangalore is to request to furnish the following information:</i>	<i>Minutes of the meeting of transfer committee for consideration of IRT request of Nursing &amp; Paramedical Staff is enclosed.</i>
1.	<i>I have applied for IRT based on the spouse working at primary centre in Tamilnadu. Whereas, my IRT request has not been considered. Kindly furnish the recorded reasons in this regard.</i>	
2.	<i>Copies of the finalization done by the IRT committee of Hqrs. Office may kindly be furnished.</i>	
3.	<i>As per the IRT reply dated 21.08.2017 by ESICH K.K. Nagar, Tamilnadu there are 9 post of Plaster Assistant in which 6 are filled (04 by promotion and 02 by DR) and 3 vacancies are unfilled for many years and as per the provision of the RR if the posts are not filled by promotional quota Direct Recruitment has to be done. In view of the above, kindly furnish the reasons for not considering my IRT request even though vacancies are available in the region which are unfilled for many years. Further, as per the DoPT Memorandum No. 28034/9/2009-Estt (A) dated</i>	

*30.09.2009 the employer has to consider  
the request for posting of Husband and  
Wife in the same Station/Region.*

*Sd/-*

*(Reena Hira)*

*Assistant Director”*

4. Therefore this objection is also covered in it. The OA is allowed. No order  
as to costs.

(C V SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00758/2017**

Annexure A1 Copy of the appointment order dated 19.05.2011

Annexure A 2 Copy of the appointment order of Smt. H. Sharmila dated 25.02.2011

Annexure A 3 Copy of the posting order of the wife of the applicant dated 30.08.2016

Annexure A 4 Copy of the application submitted by the applicant for IRT dated 23.04.2015

Annexure A 5 Copy of the representation dated 03.10.2015 submitted to the Medical Superintendent, ESIC, Peenya, Bangalore

Annexure A 6 Copy of the application dated 09.03.2016 submitted by the applicant

Annexure A 7 Copy of the application dated 31.08.2016

Annexure A 8 Copy of the list dated 31.01.2017 along with circular dated 31.01.2017

Annexure A9 Copy of the information provided by the respondents to the applicant under RTI

Annexure A10 Copy of the information provided to the applicant by the Deputy Director, ESIC

Annexure A11 Copy of the representation dated 07.09.2017

Annexure A12 Copy of the reminder letter dated 15.11.2017

**Annexures with reply statement**

Nil

**Annexures with rejoinder**

Annexure A13 Copy of the RTI information issued by the ESIC dated 17.07.2018

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