



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00723/2017
M.A. 350/00433/2017

Date of order: 31.1.2019

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

1. Praloy Banerjee,
S/o. Late Deb Kumar Banerjee,
age 39 years,
Working as clerk in the office of
ESIPGIMSR & Medical College and
ESIC hospital & ODC (EZ)
Resident of Maheshtala,
PO : Roypur,
PS : Maheshtala,
Kolkata - 700 141.
2. Sumita Chakraborty,
W/o Soumen Chakraborty,
Age about 42 years,
Working as clerk in the office of
ESIPGIMSR & Medical College and
ESIC hospital & ODC (EZ)
Resident of 229/8A/3 Roy Bahadur Road
PO+PS : Behala,
Kolkata : 700 034.
3. Biman Mondal,
S/o Late Sri Phanindra Nath Mondal,
Age 43 years,
Working as clerk in the office of
ESIPGIMSR & Medical College and
ESIC hospital & ODC (EZ)
Resident of 4 Mini Park
Majlish Ara Road,
PO : West Putiary,
PS : Behala,
Kol - 700 041.
4. Anamika Das
W/O Koushik Dey,
Age 33 years,
Working as clerk in the office of
ESIPGIMSR & Medical College and
ESIC hospital & ODC (EZ)
Resident of C/O Netai Chandra Das.
PO+PS : Thakurpukur.
Kolkata : 700 063.
5. Kalpana Mukherjee,

W/o. Subir Mukherjee,
Age 50 years,
Working as Clerk in the office of
ESIPGIMSR & Medical College and ESIC
Hospital & ODC (EZ),
Resident of Rajarshi,
B-121 Diamond Park,
P.O. Joka,,
P.S. Thakurpukur,
Kolkata - 700 014.

6. Ranjan Kar,
S/o Srimanta Kumar Kar,
Age 34 years,
Working as Clerk in the office of
ESIPGIMSR & Medical College and ESIC
Hospital & ODC (EZ),
Resident of Vill : Nariya,
P.O. Makarampur,
P.S. Patashpur,
Purba Medinipur,
Pin : 721439.

7. Debasis Ghosh,
S/o. C/o Hari Narayan Ghosh,
Age 46 years,
Working as Clerk in the office of
ESIPGIMSR & Medical College and ESIC
Hospital & ODC (EZ),
Resident of 1/50 Sucheta Nagar (Haltu),
P.O. : Haltu,
P.S. : Garfa,
Kol. 700 078.

8. Poly Bose,
W/o. Bhaskar Bose,
Age 49 years,
Working as Clerk in the office of
ESIPGIMSR & Medical College and ESIC
Hospital & ODC (EZ),
Resident of 41/4A,
Bagbazar Street. P.O. : Bagbazar
PS : Shyampukur,
Kolkata - 700 003.

..... Applicants.

-Versus-

1. The ESI Corporation through
The Joint Director II,
Panchdeep Bhawan,
CIG Road,
New Delhi - 2.

2. The ESI-PGIMSR & ESIC Hospital

hah

& ODC (EZ), Joka
Through the
Medical Superintendent Joka,
Kol - 104.

.....Respondents.

For the Applicants : Mr. A. Banerjee, Counsel

For the Respondents : Mr. S. Banerjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed praying for the following relief:-

"8.1. To direct the respondents to issue proper appointment letters to the applicants and not rob them of their rights as employees under the pretext of a mere technicality.

8.2. To direct the respondents to undertake necessary steps in order to implement and fulfill the order of the Deputy Chief Labour Commissioner (Central) & Authority under Rule-25(2)(v)(a) & (b) of CL (R&A) Central Rules, dated 31.5.2015.

Or

8.3. To direct the respondents to initiate necessary steps in order to implement the Special Scheme for Providing Appropriate Emoluments etc. 2013.

8.4. To allow the application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987."

2. Heard both Ld. Counsel, examined documents on record.

3. An M.A. bearing No. 433 of 2017 arising out of O.A. No. 723 of 2017 has been filed praying for joint prosecution. On being satisfied that the applicants have common interest and common cause of action, the joint prosecution is allowed and the M.A. is disposed of accordingly.

4. Ld. Counsel for the applicant would draw our attention to a circular of the respondent authorities dated 14/15-5-2015 (Annexure A-4 to the O.A.) entitled "Scheme for providing security of tenure, appropriate emoluments and certain

Ld.

terminal benefits subject to fulfillment of certain conditions to the contractual workers of Joka Hospital/casual/daily rated and other similar workers-reg."

5. Ld. Counsel for the applicant would further submit that the applicant No. 1 had preferred a representation on 25.8.2015 (Annexure A-5 to the O.A.), on 15.2.2016 (Annexure A-6 to the O.A.) and on 22.5.2016 (Annexure A-7 to the O.A.) in all of which he had requested the respondent authorities for immediate implementation of the orders of the Deputy Chief Labour Commissioner and consequent payments of arrears as well as implementation of the Scheme for security of tenure, appropriate emoluments and terminal benefits for the contractual workers working with the respondent authorities and for regularization of forty three contractual employees of the respondent authorities.

6. Ld. Counsel for the applicants further submits that the applicants would be fairly satisfied if a direction is issued to the respondent authorities to dispose of the representations in the light of circular dated 14/15-5-2013 within a specified time frame.

7. Ld. Counsel for the respondents does not object to disposal of the representation in accordance with law.

8. Hence, without entering into the merits of the matter, and, with the consent of the parties, we direct the competent respondent authorities to examine the said representations, if received at their end, in accordance with law and, in particular, in the light of the circular dated 14/15-5-2013 (Annexure A-4 to the O.A.) within six weeks from the date of receipt of a copy of this order and to communicate their decision in the form of a reasoned and speaking order immediately thereafter.

9. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Baherjee)
Judicial Member

SP