

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIOA/051/00208/2017Date of Order :- 14.09.2018C O R A M

HON'BLE MR. A.K.PATTNAIK, MEMBER (JUDL.)
 HON'BLE MR. PRADEEP KUMAR, MEMBER (ADMN.)

.....

1. Amar Kumar, aged 35 years, son of Uday Shankar Singh, presently resident of Bank Gali, Jorar, PO & PS-Namkum, District-Ranchi.
2. Manish Kumar, son of Sampat Kumar Choudhary, resident of Jhagaru Bagan, Near Shiv Mandir, PO & PS-Telco, Jamshedpur, District-East Singhbhum.
3. Niral George Kindo, son of Nilam Kindo, resident of Plot No. 477/A, Tripurari Colony, Manjhi Tola, PO & PS-Adityapur, Jamshedpur, District-Est-Singhbhum.
4. Rustam Kumar, son of Jagjivan Prasad, resident of Bank Gali, Jaror, PO & PS-Namkum, District-Ranchi.
5. Sikandar Ram, son of Lakshman Ram, C/o Yogeshwar Ram, Engineer New Building, UBI Bank Street, Jorar, PO & PS-Namkum, District-Ranchi.
6. Atish Kumar Gaurav, son of Kishori Prasad, resident of LIG-8, Housing Board Colony, Hazaribagh.

.....Applicants.By Advocate:- Mr. M.A.Khan.

Vs.

1. The Union of India through Director General Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi-110 002.
2. The Regional Director, Employees' State Insurance Corporation, PO & PS-Namkum, District-Ranchi-834 010.
3. The Medical Superintendent, Employees' State Insurance Corporation Hospital, PO & PS-Adityapur, Jamshedpur, District-West Singhbhum-831 013.
4. The Medical Superintendent, Employees' State Insurance Corporation, Model Hospital, PO & PS-Namkum, District-Ranchi-834 010.

.....Respondents.By Advocate:- Mr. H.K.Mehta, Sr. Standing Counsel.O R D E R (ORAL)

A.K.Pattnaik, Member (Judl.) :- The applicants, who are serving as OT(Asstt.) in Employees' State Insurance Corporation, have filed this OA under Section 19 of the A.T.Act praying for upgradation of their Grade Pay from Rs.2000 to Rs.2400 from the date of their appointment in view of order dated 19.04.2016 passed by CAT, Pr. Bench, New Delhi in OA No. 2995-96/14 and order dated 06.12.2016 passed by Jaipur Bench in OA 645 of 2015.

2. At the outset, the learned counsel for the applicants drew our attention to this Bench order dated 22.05.2018 which reads as under:-

“Representation has already been preferred by the applicants which figures at Annexure-1 series of the OA. The applicants have sought for consideration of their matter in light of the decision of Principal Bench in OA No. 2995/2014 for bestowing upon them the pay scale of Rs. 5200-20200 with Grade Pay of Rs.2400/-. Since representation has not been disposed of, while keeping the OA pending, I direct the respondent No. 3 & 4 to consider the grievance of the applicant in the light of the decision referred above by passing a reasoned and speaking order within a period of one month from the date of receipt of copy of this order. Respondents shall place the order with their reply to be filed by four weeks thereafter.

2. *For the purpose of appropriate consideration of the matter, the applicants shall forward the copy of the cited judgment along with the copy of the representation to the said respondents within one week from the date of receipt of copy of this order.*

3. *The applicants may also prefer a joint representation, if required.*

4. *Adjourned to 09.08.2018."*

3. On going through the record it transpires that compliance of the aforesaid order is yet to be carried out by the respondents. However, we find that there is a short reply filed by the respondents wherein it is stated that the headquarter of the ESIC, New Delhi has preferred a writ petition bearing WP(C) No. 18 of 2015 against the order dated 19.12.2013, passed in OA 3227 of 2011, in the matter of Brahma Pal & Ors. Vs. Union of India & Ors.

4. On being questioned, the learned counsel for the applicants fairly submitted that representations as at Annexures-A/1 series of the OA, mainly addressed to the Respondent no. 3 & 4, are still pending consideration and they would be satisfied if a direction is given to the concerned respondent to consider their pending representations, along with this OA treating it as part of their representations, and to pass speaking and reasoned order within the stipulated period.

5. In view of above, we dispose of this OA without entering into the merits of the case with direction to respondent no.3 & 4 that if any such representations have been preferred by the applicants and the same are still pending consideration, then the same may be considered, along with the OA treating it as part of their representation. After such consideration if the applicants' grievance is found to be genuine and covered under the order dated 19.04.2016

passed by the CAT Pr. Bench, New Delhi in OA No. 2995-96/14 and order dated 06.12.2016 passed by Jaipur Bench in OA No. 645/15, then the concerned respondent is directed to consider their case of upgradation of Grade Pay from the due date with all consequential benefits, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of this order.

6. With the aforesaid observation and directions, the OA stands disposed of.

Sd/-

(Pradeep Kumar)
Member(Admn.)

Sd/-

(A.K.Pattnaik)
Member(Judl.)

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