

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01904/2018

DATED THIS THE 15<sup>TH</sup> DAY OF APRIL, 2019

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

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

N. Vivekanandhan  
S/o S Nainee  
Aged about 56 years  
Working as Private Secretary to Dean  
ESIC Medical College, Rajajinagar,  
Bangalore – 560 010  
Residing at  
ESIC Officers Quarters  
LF 27/3, Nandini Layout  
Bangalore – 560 096  
(By Advocate M/s. Subbarao & Co.)

..... Applicant

Vs.

1. Employees State Insurance Corporation  
Panchadeep Bhawan,  
C.I.G. Marg,  
New Delhi – 110 002  
Represented by its Director General

2. Insurance Commissioner,  
(Personnel and Administration)  
Employees State Insurance Corporation  
Panchadeep Bhawan,  
C.I.G. Marg,  
New Delhi – 110 002

3. The Joint Director,  
Establishment-I  
Employees State Insurance Corporation  
Panchadeep Bhawan,  
C.I.G. Marg,  
New Delhi – 110 002

4. The Deputy Director,  
Establishment-I  
Employees State Insurance Corporation  
Panchadeep Bhawan,  
C.I.G. Marg,  
New Delhi – 110 002

5. Mr. T.D. Sathyavathi,  
Principal Private Secretary,  
ESIC Medical College and PGIMSR,  
Rajajinagar,  
Bangalore – 560 010

....Respondents

(By Shri Vishnu Bhat, Senior Panel Counsel)

### O R D E R (ORAL)

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

Applicant claims that his daughter is 100% disabled and therefore coming under the umbrella of the DoPT circular issued in this regard by the Government of India. As caregiver, certain benefit has to be granted to the caregiver in the matters of transfer. The respondents submits that there were two promotees and only one vacant promotional post, therefore, one lady who will retire on 31<sup>st</sup> May, 2019 was posted there and applicant was moved

out but practically now if the applicant can be accommodated for one more month, applicant can be retained here itself unless there is some other person who is having more qualification to come to Bangalore. With this reservation and liberty, we will now permit the applicant to continue in Bangalore in the original post at Bangalore itself following the Government of India directions but then we will grant liberty also to the respondents to look into the matter afresh if it appears that there are other persons who are more qualified than the applicant to come to Bangalore.

2. Applicant will be accommodated till 31<sup>st</sup> of May and then accommodated in the vacant position unless there are more qualified persons available. Applicant can have the promotional post on 1<sup>st</sup> June, 2019.

3. The OA is disposed off as above. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

**Annexures referred to by the applicant in OA No. 170/01904/2018**

Annexure A1 Copy of the disability certificate of the applicant's daughter  
Annexure A2 Copy of the DoPT Office Memorandum dated 08.10.2018  
Annexure A3 Copy of the Office Order dated 22.05.2017  
Annexure A4 Copy of the representation dated 24.05.2017 submitted by the applicant  
Annexure A5 Copy of the letter of the Dean dated 24.05.2017  
Annexure A6 Copy of the letter of the Medical Superintendent dated 25.05.2017  
Annexure A7 Copy of the Office Order dated 02.02.2018  
Annexure A8 Copy of the representation of the applicant dated 05.04.2018  
Annexure A9 Copy of the letter of the Dean dated 05.04.2018  
Annexure A10 Copy of the Office Order dated 14.06.2018  
Annexure A11 Copy of the duty reporting letter of the applicant dated 14.06.2018  
Annexure A12 Copy of the Office Order dated 27.12.2018  
Annexure A13 Copy of the seniority list of offices in the grade of Private Secretary as on 01.04.2013  
Annexure A14 Copy of the Office Order dated 05.10.2017

**Annexures with reply statement**

Annexure R1 Copy of the ESIC circular dated 02.12.2014  
Annexure R2 Copy of the ESIC memorandum dated 08.12.2015

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