

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/01023/2019

Jabalpur, this Monday, the 11th day of November, 2019

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Manoj Kumar Choudhary, S/o Shri Kishanlal Choudhary, aged about 42 years, Presently working as Plaster Assistant, R/o C-24, Panchdeep Nagar, Nanda Nagar, Indore – 452011 (MP)

-Applicant

(By Advocate – Shri Amardeep Gupta)

V e r s u s

1. Union of India Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi – 110002 through its Director General.

2. Joint Director, Head Quarter Office, Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi – 110002.

3. Joint Director, Employees' State Insurance Corporation, Model Hospital and Occupational Disease Centre, Nanda Nagar, Indore – 452011 (MP)

-Respondents

(By Advocate – Shri Kishore Rai, proxy counsel of Shri Gaurav Sharma)

O R D E R (O R A L)

Through this Original Application, the applicant is seeking the benefit of judgment passed by the Principal Bench of this Tribunal, New Delhi in Original Application No.3227/2011 (with MA No.2379/2011) dated 19.12.2013.

2. Precisely, the case of the applicant is that he is presently working as Plaster Assistant in the Adarsh Hospital, ESIC, Indore. He was promoted as Plaster Assistant on 11.02.2009 and his pay was fixed accordingly. The applicant submits that some of the Plaster Assistants and Plaster Technicians had approached the Principal Bench of this Tribunal by filing Original Application No.3227/2011 seeking parity with the pay of Laboratory Assistants, Nurse Grade and Auxiliary Nurse and Midwife Nurse, which was allowed by the Principal Bench vide order dated 19.12.2013 (Annexure A-2).

3. It has been further submitted by the applicant that in compliance of the order of the Principal Bench, the Department has implemented and granted the benefit of the judgment in Original Application No.3227/2011 to the applicants therein. Similarly, some of the identical employees approached the Principal Bench of this Tribunal by filing Original Application No.2386/2014 as also this Tribunal in Original Application No.200/00804 of 2014 for implementation of the order dated 19.12.2013 passed by the Principal Bench in Original Application No.3227/2011 and they have also been granted similar benefit by the Department as has been granted to the applicants in Original Application

No.3227/2011. The applicant, being similarly situated, has also preferred representation dated 17.05.2019 (Annexure A-6). However, the respondents have not considered the same on merits and vide Annexure A-7 dated 01.08.2019, it has been communicated that since the applicant was not party in the aforesaid case of Principal Bench, therefore, his case cannot be considered.

4. Learned counsel for the applicant submits that Annexure A-6 representation has not been considered on merits and the same has been simply disposed of by stating that the judgment of Principal Bench in is judgment in *personam*. At this stage, he submits that the applicant will be satisfied if the respondents are directed to decide the representation (Annexure A-6) on merits, in a time-bound manner.

5. As the judgment of Principal Bench of this Tribunal in Original Application No.3227/2011 has been followed by the Government of India, which has been further adopted by the respondents also vide Annexure A-8 dated 13.11.2018, therefore, in view of such circumstances, respondents are directed to consider and decide the representation of the applicant (Annexure A-6) on its merit, in the light of ratio laid down by the Principal Bench in

Original Application No.3227/2011, within a period of 60 days from the date of receipt of certified copy of this order. The decision, so taken, shall be a reasoned and speaking one, which shall also be communicated to the applicant.

6. Accordingly, this Original Application is disposed of in the above terms. Needless to say that this Tribunal has not commented on merits of the case.

**(Ramesh Singh Thakur)
Judicial Member**

am/-