
(2024) 12 CAT CK 0021

In the Central Administrative Tribunal

Case No : Miscellaneous Application 4520 Of 2024 In Original Application No. 3363 Of 2023

Tejavath Dasya

APPELLANT

Vs

Employees State Insurance Corporation

RESPONDENT

Date of Decision : 24-12-2024

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2024) 12 CAT CK 0021

Hon'ble Judges : Rajinder Kashyap, Member (A)

Bench : Single Bench

Advocate : Joby P Varghese, Rajesh Kumar, Yash Naeain

Final Decision : Allowed

Judgement

Rajinder Kashyap, Member (A)

1. The applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following:-

“(8.1) To allow the present Original Application and direct the respondent to effect transfer of the applicant under Inter Region Transfer of Group ‘C’ Paramedical employees policy, 2022 from ESIC Hospital, Basaidarapur, Delhi to ESIC, Hospital Sanathnagar, Hyderabad Telengana based on the circular dated 27.03.2023 issued by respondent whereby the name of the applicant is listed at serial number 72 of list of eligible candidates.

(8.2) Quash the notification for Recruitment for para-medical posts in Telegana issued by Respondent dated 29.09.2023 in so far as it relates to one post of Junior Radiographer in the Schedule Tribe category in Telegana; and

(8.3) To issue any such and further orders/ directions this Hon’ble Tribunal deems fit and proper in the circumstances of the case.

MA-4520/2024 in OA-3363/2023

This Misc. Application has been filed by the applicant seeking disposal of the Original Application in light of the orders passed by the Tribunal in OA No.855/2023 (Mumbai Bench, dated 11.10.2024), OA No.170/2023(Bangalore Bench, 28.06.2024), OA No.180/2023 (Ernakulam Bench, dated 20.11.2023) and OA No. 170/2016 (Bangalore Bench, dated 03.01.2018).

Learned counsel for the applicant submits that the similarly situated candidates have filed the aforesaid OAs before various benches of this Tribunal and the said OAs were disposed off by the Tribunal directing respondent to consider claim of the applicants therein. He, therefore, submits that the similar reliefs as granted in these OAs may also be extended to the applicant in the instant OA.

3. I have perused the aforesaid orders passed by the various benches of this Tribunal in the aforesaid OAs and found that the issues and the facts of the present are squarely covered by the aforesaid orders passed by the Tribunal. I, therefore, disposed off the present OA on the similar lines as outlined in the aforesaid OAs and pass the following directions:-

(i) The impugned recruitment Notification dated 29.09.2023(Annexure A-2) is quashed insofar as it relates to one post of Junior Radiographer in the Scheduled Tribe category in Telengana.

(ii) The respondent shall consider the case of the applicant for Inter Region Transfer of Group 'C' Paramedical Employees Policy, 2022 from ESIC Hospital, Basaidarapur, Dehli to ESIC Hospital, Sanathnagar, Telengana, in terms of the Circular dated 27.03.2023 (Annexure A-1) and pass appropriate orders in accordance with IRT Policy dated 21.12.2022 (Annexure A-3).

(iii) Compliance shall be made in an expedite manner, in any event, not later than four weeks from the date of receipt of the certified copy of this order.

(iv) No order as to the costs.

(v). Accordingly, MA No. 4520/2024, is allowed and disposed off.