



कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय भारत सरकार)
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)
आई.एस.ओ. 9001:2015 द्वारा प्रमाणित
Certified with ISO 9001:2015



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111-A-18/15/COURTCASE/JR.RADIOGRAPHER/AYUSHI/OA-3196/2024/Admn.II

24-04-2025

ORDER NO. 119 OF 2025 ADMIN-II

Subject: OA 2946/2018 filed by Avinash Kumar & Ors Vs. Union of India through The Director General Employees' State Insurance Corporation and Others -reg.

In pursuance of direction of Hon'ble CAT Principal Bench, New Delhi dated: 29.08.2024 in O.A 2946/2018 and C.P. No. 151/2025 titled as Avinash Kumar & ors Vs. Union of India through The Director General Employees' State Insurance Corporation and Others in which Hon'ble CAT has ordered as:

The learned counsel for the applicant relies upon the judgment decided in OA No. 291/00645/2015 on 16.12.2016. For the sake of clarity relevant para of the same reads as under:-

"Applicants are holding the post of Junior Radiographer and presently posted at Employees' State Insurance Corporation, Laxmi Nagar, Ajmer Road, Jaipur. They are claiming the pay scale of Rs.4000- 6000 (pre-revised) and in revised Pay Band Rs.5200-20200 with Grade Pay Rs.2400. The claim of the applicants has been rejected vide impugned order dated 10.08.2015 (Ann.A/1). The only ground for rejection is that the benefit given vide Hon'ble CAT, New Delhi judgment dated 19.02.2009 and some other judgments referred to in the impugned order are not applicable on them. It is further stated that if the similar judgment is passed in favour of the applicants, he may produces the same for claiming the benefits.

The controversy is covered squarely by various judgments of the Tribunal in Jaipur Bench passed in OA No.291/00687/2016 and 291/00091/2014. It is also not disputed that the claim of the applicants are also covered by the judgment of the CAT, New Delhi order dated 19.04.2016. This Tribunal in the aforementioned judgments particularly passed in OA No.291/00091/2014 and OA No.291/00687/2016 have settled the Issue. Directions In OA No.291/00091/2014 decided on 27.11.2015 are as under.

Accordingly the OA Is disposed of with the directions to the respondents to fix the pay of applicants as per the recommendation of 6th CPC in pay band Rs.5200-20200 with Grade Pay Rs.2400 (Pre-revised scale Rs.4000-6000) with respective date of their entitlement provisionally and subject to the outcome of Writ Petition pending before the Hon'ble High Court, Delhi after taking proper undertaking regarding refund of payments made in the judgment in the aforesaid writ petition is in favour of the ESIC. This direction shall be complied with within a period of 3 months from the date of receipt of order. The applicants shall furnish the copy of this order to respondents No.5 and 6 within a period of 2 weeks from today."

These directions are applicable' in the case of applicants also. In view of this the OA is allowed.

Respondents are directed to grant the relief to the applicants in terms of directions given in the judgment quoted here in above passed in OA No.291/00091/2014 within a period of three months from the date of receipt of the copy of this order. No order as to costs."

In view of the above, these directions in terms of above paras are applicable in the case of the applicants also. In view of this the OA is allowed in aforesaid terms and the respondents are directed to grant the relief to the applicants in terms of directions given in the judgment quoted hereinabove passed in OA No.291/00091/2014 within a period of three months from the date of receipt of the copy of this order. All Pending applications, if any, disposed of. No order as to costs.

In reference to the direction issued by the Hon'ble CAT Principal Bench on 29.08.2024 regarding O.A. 2946/2018, Medical Branch - VI (Legal and Integration Cell), Headquarters, has communicated via email dated 11.04.2025 that the Director General has granted approval for its implementation. This is, however, conditional upon the outcome of the Writ Petitions filed by ESIC and the submission of an individual undertaking from each applicant.

Accordingly, implementation of said Hon'ble CAT order, is provisional and subject to outcome of the Writ Petitions pending before the Hon'ble High Court of Delhi and other connected writ petitions. All the applicants shall submit an individual undertaking that they will refund the excess payment if the writ petitions are allowed and will not claim any equities.

As per OA No. 2946/2018 the applicants are asunder:

S.No	Name of applicants (Sh./Smt.) & Designation	Place of Posting
1.	Avinash Kumar, Jr. Radiographer	ESIC Hospital, Rohini (Resigned)
2.	Pallavi Vashisht, Jr. Radiographer	ESIC Dental college, Rohini
3.	Vineet Kumar Bhardwaj, Jr. Radiographer	ESIC Hospital, Basaidarapur
4.	Rahul Sharma, Jr. Radiographer	ESIC Hospital, Okhla
5.	Dinesh Kumar Vats, Jr. Radiographer	ESIC Hospital, Rohini
6.	Kawaljit Kaur, Jr. Radiographer	ESIC Hospital, Basaidarapur
7.	Ashwani Kumar, Jr. Radiographer	ESIC Dental College, Rohini
8.	Praveen Kumar Mittal, Jr. Radiographer	ESIC Hospital, Rohini
9.	Gunjan Jain, Jr. Radiographer	ESIC Hospital, Sahibabad
10.	Kirti Sharma, Jr. Radiographer	ESIC Hospital, Rohini
11.	Simmi Gupta, Jr. Radiographer	ESIC Hospital, Basaidarapur
12.	Ankit Kumar, Jr. Radiographer	ESIC Model Hospital, Okhla
13.	Dharam Lal, Jr. Radiographer	ESIC Model Hospital, Noida (Resigned)

14.	Poonam Anand, Jr. Radiographer	ESIC Hospital, Basaidarapur
15.	Harmit Singh, Jr. Radiographer	ESIC Hospital, Basaidarapur

All unit in-charges shall ensure timely compliance of the aforementioned direction to avoid any further complication in the matter. Compliance report of the above direction may be submitted within 07 days for the kind perusal of the competent authority.

This issues with the approval of the CompetentAuthority.

RAJSHEKHAR SINGH
DEPUTY DIRECTOR

Copy to:

1. Official Concerned.
2. Personal file of concerned official/s.
3. The Medical superintendent of ESI Hospital Basaidarapur, Noida, Rohini, Okhla, Jhilmil.
4. Dean of ESI Medical College and Hospital Faridabad, Dental CollegeRohini.
5. Director, D(M)Delhi and D(M)Noida.
6. Medical Branch-VI (Medical Legal and Integration Cell), Hqrs forinformation.
7. Legal Branch, Hqrs for information.
8. Legal Branch-II, Regional Office, Delhi for information and further necessary action.
9. Guard File.