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W.P.No.30160 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and

The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.P.No.30160 of 2022
and W.M.P Nos.29594, 29596 and 29598 of 2022

1.The Director General
Head Quarters Office,
Employees State Insurance Corporation,
(ESIC) Panchadeep Bhawan Kotla Road,
New Delhi – 110 002.

2.The Medical Superintendent,
ESIC Hospital,
K.K.Nagar,
Chennai – 600 078.

.. Petitioners

vs

1.R.Dhakshinamoorthy
2.P.Murugan
3.A.Samidurai
4.S.Sankar
5.G.Rajavel
6.D.Sekar

7.Union of India
Rep. By its Secretary,
Ministry of Health,
Nirman Bhawan,
New Delhi.



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8.Union of India
Rep. By its Secretary,
Ministry of Labour and Employment,
Shram Sakthi Bhavan,
New Delhi – 110 001.

9.Central Administrative Tribunal,
City Civil Court Additional Building,
1st and 2nd Floor, High Court Campus,
Chennai – 104.

Respondents

..

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed in OA/310/00427/2017 dated 04.02.2019 and quash the same and direct the respondents 1 to 6 to adhere the result of writ petition for getting higher scale of pay.

For Petitioners : Mr.K.M.Venugopal

For Respondents : Dr.A.Thiyagarajan,
Senior Counsel
for Mr.K.Balasubramanian
for R4 to R6

ORDER
(Made by PARESH UPADHYAY.,J)

Challenge in this petition is made to the order dated 04.02.2019 recorded on O.A. No.427 of 2017 passed by the Central Administrative Tribunal, Chennai Bench. This writ petition is by the State Authorities



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- respondents 2 and 3 in the original application.

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2. Learned advocate for the petitioners has attempted to make submission on merits, however if the plain reading of the impugned order makes it clear that, the said order is passed by the Tribunal on the concession / invitation on behalf of the petitioners / Authorities. The entire order, recorded by the Tribunal reads as under:-

"The applicant has filed this OA seeking the following reliefs:

"i. To quash the impugned order passed by the 2nd respondent in his proceedings No. 512 (A) (Z) 12/ 14/2/RTI/ Admn/2015 dated 17.11.2016 and direct the respondents 1 to 3 herein to implement the pay scale as Rs.4000-6000 for the applicants with effect from 30.09.1997 the date of the order of the Government, subsequent pay benefits with



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grade pay and arrears of monetary benefits from the date of joining of the applicants as Plaster Assistant based on the applicants' representation dated 04.09.2015 and 15.09.2015 considering the order passed by the Government on 30.09.1997 as per the recommendation made in para 42.111 of Vth CPC and considering the order passed by the Hon'ble Principal Bench, Central Administrative Tribunal, New Delhi in O.A. No.3227/2011 dated 19.12.2013 implementing the pay scale of Rs.4000-6000 and consequential order passed by the respondent in the office order No.266 of 2014 E.1 H dated 13.05.2014.

ii.Award costs of this Original Application



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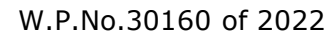
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iii. And pass such other or other orders in the nature and circumstances of the case and thus render justice."

2. When the matter is called, both sides submit in union that the dispute involved in this case is covered by the order of the Mumbai Bench of this Tribunal in OA 260/2015 dt. 05.05.2015, a copy of which is produced and taken on record. It is also agreed between the parties that the matter is also covered by the order of the Kolkata Bench of this Tribunal in OA 791/2014 dt. 17.12.2014.

3. In view of the above submission, the OA is disposed of with a direction to the respondents to take similar action in respect of the applicant as taken in compliance of the aforesaid orders of the Tribunal. No costs."

3. According to us, no writ petition can be entertained



<https://www.mhc.tn.gov.in/judis>



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To

- 1.The Secretary to Government,
Ministry of Health,
Nirman Bhawan, New Delhi.
- 2.The Secretary to Government,
Ministry of Labour and Employment,
Shram Sakthi Bhavan,
New Delhi – 110 001.
- 3.Central Administrative Tribunal,
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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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