

**Central Administrative Tribunal  
Ernakulam Bench**

**O.A No.180/00430/2019**

Wednesday, this the 7<sup>th</sup> day of April, 2021

**CORAM:**

**Hon'ble Mr. P.Madhavan, Judicial Member**

**Hon'ble Mr.K.V.Eapen, Administrative Member**

1. V.Girija, aged 57 years  
W/o.N.Surajmani  
Assistant Nursing Superintendent/Employees State Insurance Corpn/  
Model and Superspeciality Hospital/Asramam/Kollam  
Residing at:"Aswani", West Vadakkumkara  
Umayanalloor P.O, Kollam – 691 589  
(Mobile No.9447582035)
  2. R.Jalajakumary, aged 54 years  
W/o.Anilkumar P  
Assistant Nursing Superintendent /ESIC/  
Model and Superspeciality Hospital/Asramam/Kollam  
Residing at:"Kozhithodathu Veedu"  
Palathara, BodhiNagar-116  
Thattamala P.O, Kollam – 691 020
  3. Lucy Ben, aged 58 years  
W/o.(Late) Simon Abraham  
Assistant Nursing Superintendent/ESIC/  
Model and Superspeciality Hospital/Asramam/Kollam  
Residing at.Love Dale, Mekkad  
Chavara, Kollam – 691 589
  4. Shylaja P, aged 57 years  
W/o.Hariharan Nair N  
Assistant Nursing Superintendent/ESIC  
Model and Superspeciality Hospital/Asramam/Kollam  
Residing at Sreesailam, Pallimon P.O  
Chavara, Kollam – 691 576
- Applicants

(By Advocate: Ms.Kala T.Gopi)

Versus

1. Union of India, represented by the  
Secretary, Ministry of Labour and Employment  
Shram Shakthi Bhavan, New Delhi – 110 002

2. The Director General  
Employees State Insurance Corporation  
Panchdeep Bhavan, CIG Marg  
New Delhi – 110 002
3. The Deputy Director  
E-III, Establishment, ESIC Headquarters Office  
Panchdeep Bhavan, CIG Road,  
New Delhi – 110 002
4. The Joint Director (Med.), ESIC Head Quarters  
Panchdeep Bhavan, CIG Road,  
New Delhi – 110 002
5. The Regional Director, ESIC, Panchdeep Bhavan  
North Swaraj Round, Thrissur – 678 002
6. The Medical Superintendent, ESIC Model and Super  
Speciality Hospital, Asramam, Kollam – 691 002
7. The Deputy Director (Adm), ESIC Model and Super  
Speciality Hospital, Asramam, Kollam – 691 002 - Respondents

(By Advocate: Mr.Adarsh Kumar for R 2-7)

The application having been heard on 7<sup>th</sup> April, 2021, this Tribunal delivered the following order the same day.

### **ORDER (ORAL)**

#### **P.Madhavan, Judicial Member**

This is an Original Application filed seeking the following reliefs:

*“(i) Declare that the applicants are entitled to have their pay fixed at the stage of Rs.13,350/- in PB-2 plus GP Rs.4800/- with effect from 01.01.2006 in the light of A4 orders of the Government of India, Ministry of Finance and direct the respondents accordingly;*

*(ii) Direct the respondents to fix the pay of the applicants at the stage of Rs.13,350/- in PB-2 plus GP Rs.4800/- with effect from 01.01.2006, in the light of Annexure A4 orders of the Government of India, Ministry of Finance and to grant the consequential benefits within a time frame as may be found just and proper by this Hon'ble Tribunal;*

*(iii) Award costs of and incidental to this application;*

*(iv) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case.”*

2. When the matter came up for consideration, counsel for the applicant submits that recently the Employees State Insurance Corporation has issued Revised Standard Operating Procedure (SOP) on fixation of pay of Group A and B in ESIC field offices. Hence the applicants wish to give their fresh representations to the respondents regarding their claims on the basis of the said procedure.
3. Counsel for the respondents submits that he wants to take instructions and he has no objection in disposing the representations which are going to be filed.
4. In view of the limited submission, **the applicants are directed to file fresh representations showing all the details within a period of two weeks and on receipt of the said representations, the Competent Authority is directed to consider the representations in the light of relevant rules and regulations and the Revised Standard Operating Procedure issued by the ESIC on 31.03.2021 and pass a speaking order within a period of one month.**
5. The Original Application is disposed of as above without going into the merits of the matter. No costs.

**(K.V.Eapen)**  
**Administrative Member**

**(P.Madhavan)**  
**Judicial Member**

**List of Annexures**

Annexure A1 - A true copy of Memorandum bearing No.542/A/45/12/4/07 (Adm) dated 10.10.2007 issued by the sixth respondent

Annexure A2- A true copy of order bearing No.542A-11/19/MHA/2008 Adm (Office order No.111 of 2008) dated 25.9.2008, issued from the office of the 6<sup>th</sup> respondent

Annexure A3(a) A true copy of representation submitted by the 1<sup>st</sup> applicant

Annexure A3(b) A true copy of representation submitted by the 3<sup>rd</sup> applicant

Annexure A3(c) A true copy of representation submitted by the 4<sup>th</sup> applicant

Annexure A4 A true copy of Ministry of Finance, Department of Expenditure, Office Memorandum No.8-23/2017-E.IIIA dated 28<sup>th</sup> September 2018

Annexure A5 A true copy of ESIC (Nursing Cadres/Posts) Recruitment Regulations 2010

Annexure A6 A true copy of Notification issued by the 4<sup>th</sup> respondent inviting applications for filling up of the various vacancies in the ESIC Super Speciality Hospital, Sanath Nagar, Andhra Pradesh

Annexure A7 A true copy of representation submitted by the 1<sup>st</sup> applicant

Annexure A8 A true copy of letter bearing No.542/A/27/17/MHA/19(adm) dated 27.3.2019 issued by the 7<sup>th</sup> respondent

Annexure A9 A true copy of order bearing no.542/A/27/17/MHA/16/7<sup>th</sup> CPC/ADMN (Office Order No.89 of 2019) dated 1.4.2019 issued by the 7<sup>th</sup> respondent

Annexure A10 A true copy of Final Seniority List issued under No.542.A.27.21.MHA.08.Adm. Dated 18.6.2010 by the Sixth respondent

Annexure A11 A true copy of the order dated 15.5.2017 in O.A No.180/581/15 rendered by this Tribunal

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