

Central Administrative Tribunal  
Ernakulam Bench

RA/180/1/2021  
in  
O.A No. 180/00074/2017

Monday, this the 8<sup>th</sup> day of March, 2021

**CORAM:**

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

1. Sobhanakumary, D/o. K. Padmanabhan Nair,  
Staff Nurse, ESIC Hospital, Parippally, Kollam – 691 574.
2. Sindhu Lekha K.B., D/o. Kuttappan Chettiar,  
Staff Nurse, ESIC Hospital, Parippally, Kollam – 691 574.
3. Sindhu S., D/o. Late N. Krishnankutty Nair, Staff Nurse, ESIC  
Hospital, Parippally, Kollam – 691 574. **Review Applicants**

[Advocate : Mr. Sunil Jacob Jose]

**Versus**

1. Union of India, represented by the Secretary,  
Ministry of Labour & Employment, Shram Shakti Bhavan,  
New Delhi – 110 001.
2. The Director General, Employees State Insurance Corporation,  
Headquarters Office, Panchadeep Bhavan, CIG Marg,  
New Delhi – 110 002.
3. The Medical Superintendent, Employees State Insurance  
Corporation Hospital, Parippally, Kollam,  
691 574. **Respondents**

**ORDER (In circulation)**

**By P.Madhavan, Judicial Member**

This is an RA filed by the applicants in OA No. 180/74/2017 seeking  
a review of the order passed by the Tribunal on 12.2.2021.

2. The review applicants' case is that they had filed OA No. 180/74/2017 challenging Annexures A3, A4 & A5 and to declare that the absorption of the applicants as Staff Nurse with Grade Pay of Rs. 4,600/- is irregular as they were working as Staff Nurse (Higher Grade) in the State service at the time of absorption and to declare that the applicants are entitled to be absorbed as Nursing Sisters in the hospitals managed by the respondent Corporation w.e.f. 4.3.2011 the date of their absorption. According to the applicants the above OA was filed in the year 2017 and it was pending before this Tribunal. In the meanwhile some of the similarly placed employees of the hospital under respondents together decided to file a fresh application before this Tribunal against the wrong absorption and for the purpose of avoiding conflicting and contradictory averments and contentions, the applicants instructed the counsel to withdraw the above OA and accordingly a memo was filed and this Tribunal on 12.2.2021 has permitted the withdrawal and dismissed the OA as not pressed. Now the review applicants would contend that the above OA was not pressed since they intended to join the similarly placed persons challenging the wrongful absorption and to avoid conflicting and contradictory averments they pressed for withdrawal of the OA. However, this Tribunal was pleased to allow the request of the applicants but did not grant liberty to approach this Tribunal again, if need arises. So the applicants are debarred from filing fresh applications before this Tribunal. According to the applicants the above order was a result of oversight and it is to be corrected otherwise it will cause irreparable damage to the applicants.

3. We have gone through the order passed by this Tribunal on 12.2.2021. On looking through the records of the OA No. 180/74/2017 it can be seen that the applicants had filed a memo stating that they wishes to withdraw the above OA and accordingly this Tribunal has allowed the withdrawal of the OA. On perusal of the RA application itself it can be seen that the applicants had intended to join the similarly placed staff to challenge their wrong absorption in a single application to avoid conflicting and contradictory averments and for avoiding the same, they sought to withdraw the above OA. Now according to the review applicants the withdrawal of the above OA may affect the future rights of the the applicants in order to challenge the order passed by the respondents. The above averment would only show that the applicants have decided to join together with other similarly placed persons in order to file a separate OA and it was the reason for filing the memo of withdrawal of the above OA. Filing of another OA is not at all appropriate and it will cause multiplicity of proceedings on the same matter. We do not find any reason to review the earlier order passed by this Tribunal as there is no proper grounds for reviewing the order. Hence, we hereby dismiss the RA at circulation stage itself.

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

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

“SA”

Annexure filed by the Review Applicant:

Annexure RA: True copy of the order dated 12.2.2021 of this Tribunal in OA  
No. 74/2017.

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