

**Central Administrative Tribunal  
Ernakulam Bench**

**O.A No.180/00321/2021**

Friday, this the 16<sup>th</sup> day of July, 2021

**CORAM:**

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

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

1. Smt.Jisha Mol Mathew, aged 45 years, W/o.Bijoy M.V  
Nursing Officer, ESI Hospital, Asramam, Kollam 691 002  
Residing at Madhavasseril House, Bethani Road  
Kodikuthumala, Aluva 683 101
  2. Sri.Sivaprasad Unni, aged 34 years, S/o.P.V.Unni  
Nursing Officer, ESIC Hospital, Asramam, Kollam 691 002  
Residing at Perumpillil ,  
Kothamangalam P.O 686 691
- Applicants

(By Advocates: Mr.Shafik M.Abdulkhadir & Mr.D.Ramakrishnan)

Versus

1. The Director General  
Employees' State Insurance Corporation  
Panchadeep Bhavan, CIG Marg, New Delhi- 110 002
  2. The Deputy Director  
Employees' State Insurance Corporation  
Panchadeep Bhavan, CIG Marg, New Delhi – 110 002
  3. The Regional Director  
Employees' State Insurance Corporation  
Panchadeep Bhavan, North Swaraj Nagar  
Thrissur – 680 020
  4. The Medical Superintendent  
ESIC, Hospital, Asramam  
Kollam District 691 002
- Respondents

(By Advocate: Mr.T.V.Ajayakumar )

The O.A having been heard on 16<sup>th</sup> July, 2021 through video conferencing, this Tribunal delivered the following order on the same day:

**ORDER (ORAL)**

**P.Madhavan, Judicial Member**

This Original Application has been filed by the applicants seeking the following reliefs:

*“i) To call for the records relating to Annexure A-1 to A-15 and to declare that the 3<sup>rd</sup> respondent is competent to issue transfer orders to the applicants and the refusal based on A-15 letter is illegal and arbitrary.*

*ii) To declare that the applicants are entitled and eligible to be transferred to their choice station.*

*iii) To direct the 3<sup>rd</sup> respondent to effect transfers of the nursing officers at the earliest, especially the request transfers based on medical emergencies and to issue transfer orders at the earliest.*

*iv) Issue such other appropriate orders or directions this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case.*

*v) To grant the costs of this Original Application. ”*

2. The brief facts of the case are as follows:

The applicants are presently working as Nursing Officers/Staff Nurses in Asramam Hospital of the ESIC. They are aggrieved by the refusal of the respondents in granting transfer to Udyogamandal Hospital, even though their requests are pending since 2018.

3. When the matter came up for consideration, it appears that the applicants want transfer to Udyogamandal, but the respondents are not considering the same. On going through the pleadings, we find that Annexures A-9 and A-10 representations are still pending before the Competent Authority and they have not taken a decision so far.

4. Adv. Mr. T.V.Ajayakumar takes notice on behalf of the respondents.

5. *In view of the above, we direct the Competent Authority among the respondents to consider the representations at Annexure A-9 and Annexure A-10 and pass a speaking order on the basis of relevant rules, regulations and facts of the case within a period of three months from the date of receipt of a copy of this order.*

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

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

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

**List of Annexures**

Annexure A 1- True copy of the Office Memorandum No.A-12/16/6/2017 Exam.Col.I dated 15.2.2018 issued by the 1<sup>st</sup> respondent

Annexure A2- True copy of the OM No.A-12/16/6/2017 Exam.Col.I dated 25.6.2018 issued by the 2<sup>nd</sup> respondent

Annexure A3- True copy of the Letter No.542/A/22/14/MHA/06/Adm dated 13.4.2018 of the Asst. Director (Adm) of the ESIC Hospital Asramam

Annexure A4- True copy of the representation dated 2.5.2018 submitted by the 1<sup>st</sup> applicant to the 3<sup>rd</sup> respondent

Annexure A5- True copy of the Letter No.542/A/22/14/MHA/06/Adm dated 15.5.2018 issued by the Asst.Director (Adm) of the ESIC Hospital Asramam\

Annexure A6- True copy of the representation dated 15.6.2019 submitted by the 1<sup>st</sup> applicant

Annexure A7- True copy of the Medical certificate dated 26.2.2005 issued by the District Medical Board

Annexure A8- True copy of the letter No.542/A/22/14/MHA/06/Adm dated 1.6.2019 of the 4<sup>th</sup> respondent

Annexure A9- True copy of the representation submitted by the 1<sup>st</sup> applicant in February 2021

Annexure A10- True copy of the representation dated 12.2.2021 submitted by the 2<sup>nd</sup> applicant

Annexure A11- True copy of the letter No.542/A/22/14/MHA/06/Adm dated 19.2.2021 send to the 3<sup>rd</sup> respondent

Annexure A-12- True copy of the office order no.09(MA) of 2021 dated 16.2.2021 issued by the Deputy Director (Medical Administration)

Annexure A13- True copy of the Office Order No.33(MA) of 2021 dated 20.4.2021 issued by the Deputy Director (Medical Administration)

Annexure A14- True copy of the office order No.126(E) of 2021 issued by the Deputy Director (A) , Tamilnadu

Annexure A15- True copy of the letter No.54-A, 35/16/1/2018-Adm dated 23.2.2021  
of the 3<sup>rd</sup> respondent .

...