

**Central Administrative Tribunal  
Ernakulam Bench**

**O.A No.180/00355/2021**

Friday, this the 30<sup>th</sup> day of July, 2021

**CORAM:**

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

1. Sindhu.S  
W/o.Ramesh V.Nair, aged 51 years  
Working as Nursing Officer, ESIC Model and Super Specialty Hospital  
Asramam, Kollam – 691 002  
residing at Thriveni, Ayirakuzhi P.O  
Via Chithara, Kollam  
Pin: 691 559
2. Sindhulekha K.B  
W/o.Santhosh Kumar.K, aged 50 years  
Working as Nursing Officer, ESIC Model and Super  
Specialty Hospital, Asramam  
Kollam – 691 002, residing at Sindhooram  
Thachottokavu, Peyad P.O  
Thiruvananthapuram – 595 573
3. Sobhanakumary P  
W/o.Raju K., aged 48 years  
Working as Nursing Officer, ESIC Model and Super Specialty Hospital  
Asramam, Kollam – 691002,  
residing at Hareeshma, P.N.R.A. P34A, Priyadarsini Nagar  
Ulloor, Medical College P.O, Thiruvananthapuram – 695 011
4. Rakhi.H, W/o.Rajeev.R, aged 47 years  
Working as Nursing Officer  
ESIC Model and Super Specialty Hospital  
Asramam, Kollam – 691 002  
Residing at Greeshmam, Bhoothakulam P.O  
Paravur, Kollam District – 691 302
5. Sabeena M, W/o.Najeeb.S, aged 50 years  
Working as Nursing Officer  
ESIC Hospital, Ezhukone P.O  
Kollam District, residing at Kollamkonil Veedu  
Mancode P.O, Kalanjoor via Pathanamthitta District  
Pin – 689 694

6. Sujitha S, W/o.Biju.S, aged 41 years  
Working as Nursing Officer, ESIC Model and Super Specialty Hospital  
Asramam, Kollam – 691 002  
Residing at Manimuttam, Edavoorkonam, Puthusseri Mukku P.O  
Kallambalam, Thiruvananthapuram District  
Pin – 695 605 - Applicants

(By Advocates: Mr.V.Sajith Kumar, Mr.A.V.Vivek)

Versus

1. Employees State Insurance Corporation represented by its  
Director General, Panchadweep Bhavan, C.I.G Road  
New Delhi – 02
2. The Regional Director, Employees State Insurance Corporation  
Regional Office Thrissur, Panchadeep Bhavan  
North Swaraj Round, Thrissur, Pin – 680 020
3. The Deputy Director (Med-Adm), Kerala Region  
Employees State Insurance Corporation,  
Regional Office, Thrissur, Panchadeep Bhavan  
North Swaraj Round Thrissur, Pin – 680 020
4. The Medical Superintendent, ESIC Model and Super Specialty Hospital  
Asramam, Kollam – 691 002
5. The Medical Superintendent, ESIC Hospital  
Ezhukone P.O, Kollam District, Pin – 691 505 - Respondents

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

The O.A having been heard on 30<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 quash Annexure A1.*

*(ii) To direct 1<sup>st</sup> respondent to consider the objections to Annexure A1 submitted by the applicants in the light of Annexure A3 judgment of the Honourable High Court and*

*grant promotions to the applicants as Nursing Sisters with all consequential benefits.*

*(iii) Grant such other reliefs as may be prayed for and as the Tribunal may deem fit to grant, and*

*(iii) Grant such other reliefs as may be prayed for and as the Tribunal may deem fit to grant, and*

*(iv) Grant the cost of this Original Application. ”*

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

The applicants are aggrieved by the actions on the part of the respondents in granting promotions to their juniors, overlooking the seniority and service of the applicants and the principles governing seniority of absorbed staff as laid down in O.M dated 3.7.1986 and 11.11.2010, as declared by the Hon'ble High Court of Kerala in O.P (CAT) No.51/2020.

3. When the matter came up for consideration, it appears that the detailed representation filed by the applicants at Annexures A-6 to A-11 are still pending with the Competent Authority and no action has been taken 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 of the applicants at Annexures A-6 to A-11 and pass a reasoned and 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. Without going into the merits of the matter , the Original Application is disposed of as above at the admission stage itself. No costs.

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

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

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**List of Annexures**

Annexure A 1- A true copy of the Order No.54.A.22/15/10/2020-Med.Adm dated 9.10.2020 issued by the 3<sup>rd</sup> respondent

Annexure A2- A true copy of the relevant pages of the Draft Seniority List issued as per Memo No.542/A/24/13(1) MHA/13/Adm dated 9.1.2014 issued on behalf of the 4<sup>th</sup> respondent

Annexure A3- A true copy of the judgment dated 5.11.2020 in O.P (CAT) No.51/2020 and connected cases reported in 2020(6) KLT 274

Annexure A4- A true copy of the representation dated 18.11.2020 submitted by the 6<sup>th</sup> applicant to the 1<sup>st</sup> respondent

Annexure A5- A true copy of the judgment dated 28.01.2021 in R.P No.1013/2020 of the Hon'ble High Court.

Annexure A6- A true copy of the representation dated 10.7.2021 submitted by the 1<sup>st</sup> applicant to the 1<sup>st</sup> respondent through proper channel.

Annexure A7- A true copy of the representation dated 10.07.2021 submitted by the 2<sup>nd</sup> applicant to the 1<sup>st</sup> respondent through proper channel

Annexure A8- A true copy of the representation dated 12.7.2021 submitted by the 3<sup>rd</sup> applicant to the 1<sup>st</sup> respondent through proper channel.

Annexure A9- A true copy of the representation dated 9.7.2021 submitted by the 4<sup>th</sup> applicant to the 1<sup>st</sup> respondent through proper channel.

Annexure A10- A true copy of the representation dated 9.7.2021 submitted by the 5<sup>th</sup> applicant to the 1<sup>st</sup> respondent through proper channel.

Annexure A11- A true copy of the representation dated 12.07.2021 submitted by the 6<sup>th</sup> applicant to the 1<sup>st</sup> respondent through proper channel.

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