

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.157/2013

Thursday this the 5th day of February 2015

C O R A M:

**HON'BLE Mr.NARESH GUPTA, ADMINISTRATIVE MEMBER
HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER**

1. Naina Thara,
D/o.Chandu.K.,
Nursing Sister, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Lakshmi, Chettiattil,
Moodadi P.O., Koyilandy, Kozhikode.
2. Sujatha.V.K.,
D/o.V.K.Kumaran,
Nursing Sister, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Saketham, Cheruvannur,
Feroke P.O., Kozhikode.
3. Biji.C.S.,
D/o.Chandukutty,
Nursing Sister, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at V.S.Nivas,
ESI Junction, Parippally.
4. Bindhu.K.,
D/o.Ponnayyan,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Anizham,
Pattathanam, Kollam.
5. Bindu.S.S.,
D/o.R.Sadasivan,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Savithri Bhavan,
Pulimath P.O., Porunthamon.

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6. Reni.A.George,
D/o.A.V.George,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Karunya,
Erom North, Chathannoor.
7. T.R.Molly,
D/o.J.Titus,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Kavya, Opposite to Vimala Central School,
Karamcod P.O., Chathannoor, Kollam.
8. Saraswathy.P.,
D/o.P.Parameswara Panikker,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Souparnika, Koonayil,
Paravur P.O., Kollam.
9. Sudhamony.S.,
D/o.P.Sankaran,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Plavilaveedu,
Maidanam, Varkala P.O., Varkala.
10. Laila.C.L.,
D/o.P.K.Lekshmanan,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Akshaya, Kurumandal, Paravur.
11. Sunija.C.,
D/o.Chandrasenan.M.,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Rajagiri, Valathungal, Kollam.
12. Tissy George,
D/o.D.George,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Kattampuram, Earom,
Chathannoor P.O., Kollam.

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13. Girija Kumari.G.,
D/o.Gopinathan Nair,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at V.V.Nivas, Navaikulam P.O.,
Thiruvananthapuram.
14. Moly.I., D/o.K.K.Mukundan,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Planthottam, Pozhikkara,
Paravoor S., Kollam.
15. Moni.G., D/o.George,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Anu Villa,
Eramthikku, Karamcode.
16. Rakhi.H., D/o.R.Haridasan Pillai,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Greeshmam,
Bhoothakulam P.O., Kollam District.
17. Sabeena.M.,
D/o.Muhammed Musthafa,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Kollamkonil House,
Mancode P.O., Pathanamthitta.
18. Sujitha.S.,
D/o.M.Sudevan,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Manimuttam, Edavoorkonam,
Kallambalam, Puthuserimukku P.O.
19. Sobhanakumary.P.,
D/o.K.Padmanabhan Nair,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Hareeshma, PNRA – P34-A,
Priyadharsini Nagar, Ulloor,
Medical College P.O., Thiruvananthapuram.

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20. Sindhu Lekha K.B.,
D/o.Kuttappan Chettiar,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Sindhooram, Thachottukavu,
Peyad P.O., Thiruvananthapuram.

21. Sindhu.S.,
D/o.late N.Krishnankutty Nair,
Staff Nurse, ESIC Hospital,
Parippally, Kollam – 691 574.
Residing at Thriveni, Ayirakuzhi P.O.,
Chithara, Kollam.

...Applicants

(By Advocate Mr.Thampan Thomas)

V e r s u s

1. Union of India represented by the Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhawan, New Delhi – 110 001.

2. Employees State Insurance Corporation,
Panchadeep Bhavan, C.I.G.Road, New Delhi – 02
represented by its Director General.

3. The Medical Superintendent, ESIC Hospital,
Parippally, Kollam District – 691 574.

4. State of Kerala represented by the Secretary to Government,
Labour and Rehabilitation Department,
Government Secretariat, Thiruvananthapuram – 695 001.

5. The Medical Superintendent,
E.S.I. Model and Super Speciality Hospital,
Asramam, Kollam District – 691 002.

6. The State Medical Commissioner,
E.S.I. Corporation, Panchdweep Bhavan,
N.S.Round, Thrissur – 20.

...Respondents

(By Advocates Mr.Thomas Mathew Nellimoottil [R-1],
Mr.Sandesh Raja.K. [R2&3] & Mr.M.Rajeev,GP [R-4])

This application having been heard on 5th February 2015 this
Tribunal on the same day delivered the following :

ORDER

HON'BLE Mr.NARESH GUPTA, ADMINISTRATIVE MEMBER

This Original Application has been filed seeking the following reliefs :

1. To declare that the applicants are employees of the 1st respondent with effect from the takeover of the ESIC Hospital, Parippally namely 16.4.2010 from the State Government and that they are entitled for all service benefits including arrears of pay, retirement benefits and other statutory benefits applicable to ESIC employees quashing Annexure A-11 order and grant all consequent benefits to the applicants.
2. To set aside order Annexure A-11 and to direct the respondents 1 and 2 to implement condition No.3 in the original Annexure A-2 with regard to absorption namely the date of taking over of the hospital as the date of absorption of the applicants in the ESI Corporation and to revise the consequent orders.
3. To direct the respondents 1 and 2 to protect the applicants institutional seniority based on condition No.4 in the Annexure A-2 namely giving same level of grade and consequential benefits in ESIC Hospital as compared to ESI Hospital and to give them due promotion and monetary benefits in the absorbed service of the ESI Corporation according to designation and seniority.
4. To direct the respondents to consider the representation submitted before them as Annexure A-4 and A-14 and
5. To award costs and such other reliefs which may be granted as ancillary and incidental to the main relief.

2. When the case came up for hearing today, learned counsel for the applicants submitted that he was not pressing the Relief Nos.1 and 2 above. He has also submitted that the seniority list has been finalized/being finalized and that a direction may be given to the respondents that promotions to be made should be based on the revised seniority list.

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3. Learned counsel for the respondents submitted that the process of finalization of seniority list was currently underway and it would take about three months to finalize the seniority list.

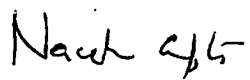
4. Having regard to the submissions made by learned counsel for the applicants and respondents, it is considered that the Original Application need not be kept pending at this stage. The Respondent No.5 is directed to finalize the seniority list, if not already finalized, within a period of three months from the date of receipt of a copy of this order and to take further action including grant of promotion based on the revised seniority list accordingly. We direct accordingly.

5. With the above directions, the Original Application is disposed of.

No costs

(Dated this the 5th day of February 2015)


U.SARATHCHANDRAN
JUDICIAL MEMBER


NARESH GUPTA
ADMINISTRATIVE MEMBER

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