

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

14/11/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:
ORDERS SHEET

1. Original Application No. _____/
2. Misc Petition No. _____/
3. Contempt Petition No. 14/07 in M.P. 24/07 in O.A. 247/04
4. Review Application No. _____/

Applicant(s) Dr. P. K. Sarna Jors -VS- Union of India & Ors

Advocate for the Applicants:- M. Chandra, S. Nath, Ms. U. Dutta

Advocate for the Respondents:- C & S. S. R. Bhattacharjee, Ramjit Das
for Respondent/Contemner No. 2

G. Baisya for Case for Respondent No. 1

Notes of the Registry

Date

Order of the Tribunal

This ~~misc~~ Contempt petition has (been filed) by the counsel for the Applicant and praying for initiation of a contempt proceeding against the alleged contemnors for non-compliance of the Judgement and order dated 3.1.2006 passed in O.A. 247/04 as well as order dated 23.5.06 in M.P. 24/07.

29.8.2007

This C.P. is filed for non-compliance of the order dated 3.1.2006 passed in O.A. 247/2004. Originally, six months time was granted and thereafter it was extended for another three months. Period is exhausted by now but the order has not been complied with as yet.

Considering the issue I direct the Registry to issue simple notice to the first Respondent for reporting whether there is compliance or not. Post on 6.11.2007

Vice-Chairman

Laid before the Hon'ble Court for further orders.

06.11.2007.

Heard Mr. M. Chandra learned counsel for the applicant, Mr. R. Das and Mr. S. R. Bhattacharjee for Respondent Nos. 2 & 3. Counsel for the applicant has stated that the Respondents should file affidavit for compliance of this order of this Tribunal dated 03.01.2006. Counsel for the Respondents has prayed for time to file affidavit. Prayer is allowed. Call this matter on 30.11.2007.

Section Officer

Notice & order sent to D/Section at issuing to resp. no-1 by regd. AID post. 12/9/07. D/No-880. Dt: 12/9/07.

Member(A)

2-
CP. 14/07 (MP. 24/07 in OA. 247/04)

30.11.2007

Mr.M.Chanda, learned counsel for the Petitioners is present. On the request of Mr.R.Das, learned counsel for the Contemner No. 2, four weeks time is granted as a last chance to file affidavit.

Call this matter on 31.12.2007.

Service completed.

27/11/07

No compliance report filed.

23/5.10.07

Affidavit not filed.

20/29.11.07

26.12.07

Show cause reply submitted by the contemners Nos. 1, 2 & 3. SC kept in 'e' file.

PN

Show cause reply filed.

27/27.12.07

Show cause reply filed.

22/17.1.08

/bb/

31.12.2007

Mrs.U.Dutta, learned counsel appearing for the Applicant is present. Sr. Advocate S.R.Bhattacharjee (with assistance of Mr.R.Das) appearing for the Respondent ESI Corporation places a certified copy of the order dated 26.11.2007 of the Division Bench of the Gauhati High Court rendered in M.C. No.3853 of 2007. Copies of this order have already been served on the learned counsel for the Applicant and on Sr. Standing counsel for the Union of India Mr.G. Baishya.

On the prayer of Mr.G.Baishya, learned Sr. Standing counsel for the Union of India, this matter stands adjourned to be taken up on 18.01.2008.

(M.R.Mohanty)
Vice-Chairman

18.01.2008 Mr.M.Chanda, learned counsel appearing for the Applicant, Mr.G.Baishya, learned Sr. Standing counsel for the Union of India and Mr.R.Das, learned counsel for the E.S.I. Corporation are present. Judgment pronounced in open court, kept in separate sheets.

On the prayer of the learned counsel for the parties, call this matter on 29.02.2008.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

Call this matter on 26.03.2008.
~~29.02.2008~~

23.1.08

As per order dated 23.5.07 in M.P.24/07 the compliance report submitted by Respondent No.1. (M.P.No.11/08).

lm

~~(Khushiram)~~
~~Member(A)~~

29.02.2008

Call this matter on 26.03.2008.

22.2.08

Additional affidavit submitted by contemners Nos. 2 & 3. Copy served.

lm


(Khushiram)
Member(A)

26.03.2008 Call this matter on 11th April, 2008 alongwith O.A.No. 39 of 2008.

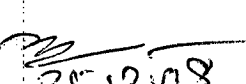

Affidavit filed.


(M.R.Mohanty)
Vice-Chairman

28.2.08

Affidavit filed.

lm


Affidavit filed.
25.3.08
10.4.08

CP NO.14/2007 (MP 24/07 in SA. 247/04)

11.04.2008

Heard Mr.M.Chanda, learned counsel for the Applicants, Mr.G.Baishya, learned Sr. Standing counsel for the Respondent No.1 and Mr.R.Das, learned counsel for the Respondent Nos.2 & 3.

For the reasons recorded separately, this C.P. stands dropped.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Received
Bm copy

05/05/08
(K.DAS)
adv.

Received
05/05/08
(for applicant)

22.5.08

order issued
vide d/nor
2043 to 2048
dtd 5.5.08 in copy
to the L/Adv for the
parties.
H

b

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

**C.P.No.14 of 2007
[in O.A.No.247 of 2004]**

Guwahati, this the 11th April, 2008

**CORAM: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman
The Hon'ble Mr. Khushiram, Member [Administrative]**

- 1.Dr. Pranjit Barman
- 2.Dr. Pranab Kr. Sarma
- 3.Dr. Pradip Kr. Bordoloi
- 4.Dr. Nalini Mohan Das
- 5.Dr. Nava Kr. Gogoi
- 6.Dr. Apurba Kr. Saikia
- 7.Dr. Tarun Kr. Bhuyan
- 8.Dr. Bhaben Rongson
- 9.Dr.Kabin Tumung
- 10.Dr.Gunabhi Ram Sarma
- 11.Dr. [Mrs.] Sikha Sarma
- 12.Dr. Karabi Kalita
- 13.Dr.Chandan Choudhury
- 14.Dr. Dipak Chanal Bobora
- 15.Dr. [Mrs.] Mandira Sarma
- 16.Dr. Ajit Kr. Sarma
- 17.Dr.[Mrs.] Kanan Bora
- 18.Dr.[Mrs.] Makan Sarma
- 19.Dr. [Mrs.] Parinita Hazarika.

Petitioners

By Advocate Mr. M.Chandra

versus

1.Mrs. Sudha Pillai, IAS,
Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi.

2.Mr. Prabhat Kumar Chaturvedi,
Director General
Employees State Insurance Corporation
Panchadeep Bhawan
Kotla Road, New Delhi 110 002

3.Mrs. Kamalesh Kalra



Medical Commissioner,
Employees State Insurance Corporation
Panchadeep Bhawan
Kotla Road, New Delhi 110 002

Respondents

By Advocates Mr. G. Baishya, Senior Standing Counsel for Respondent No.1 and Mr.R.Das for ESIC.

ORDER[ORAL] DATED 11.04.2008

MANORANJAN MOHANTY, VICE-CHAIRMAN:-

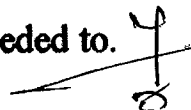
Alleging non-compliance of order dated 03.01.2006 of this Tribunal rendered in O.A. No.247 of 2004 this Contempt Petition No.14 of 2007 was filed.

2. It appears, the above-said order dated 03.01.2006 of this Tribunal was subject-matter of Review No.4/2006; which was dismissed.

3. By a subsequent order dated 23.05.2007, three months time was granted to the Respondent Organisation to comply with the order dated 03.01.2006 of this Tribunal.

4. The Respondent Organisation, approached the Hon'ble Gauhati High Court with W.P.[C] 3464/07 and MC No.3853/2007 and the Division Bench of the said Hon'ble Court passed the following orders [at interim stage] on 26.11.2007;-

"As the petitioners in the writ petition have already implemented the order of the learned Central Administrative Tribunal by passing a consequential order dated 08.10.2007, which has been made subject to final out-come of the writ petition, the prayer for interim relief/stay of the order dated 23.05.2007 passed by the learned Tribunal, in our considered opinion, should not be acceded to.



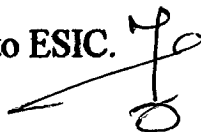
The prayer for stay is, therefore, refused."

5. It appears, by orders dated 17.09.2007 & 08.10.2007 of the Respondent Organisation/ESIC, the Applicants have already been absorbed in the services of ESI Corporation with effect from 01.01.2006.

6. Challenging the above orders [dated 17.09.2007 & 08.10.2007] of ESI Corporation, the Applicants filed O.A.No. 39 of 2008; after filing representations on 25.10.2007. Notices were directed to be issued [in the said O.A. No.39/2008] to the Respondents on 27.02.2008 and in fact issued on 05.03.2008 awaiting Respondents' instructions.

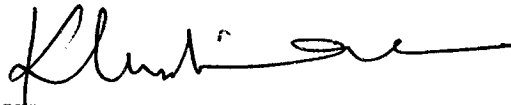
7. On 12.03.2008, the Hon'ble High court has dismissed the writ petition [W.P.[C] No.3464/07] by leaving the matter [as to whether the Applicants should be absorbed with effect from the date of their deputation] open.

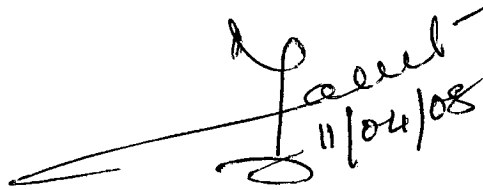
8. In absence of reply/instructions from the Respondent Organisation, the matter has now been remitted back to the authorities of ESIC to take a decision on the prayer [of the Applicants] to anti-date their absorption with effect from the date they joined ESI Corporation on deputation; by taking into consideration the allegation of the Applicants that similarly situated Doctors of Kerala have already been absorbed [in ESIC] with effect from the date of their deputation to ESIC.



9. The only point now in this Contempt Petition is also that the Respondents Organisation did not absorb the Applicants with effect from the dates of their deputation to ESI Corporation. This Tribunal did not specify any date with effect from which the Applicants should be absorbed. The said point was left to the consideration of the Corporation. Presently also a chance has been given to them [in the O.A.No.39/2008] to do that.

10. In the above premises, Contempt Petition is dropped, after hearing Mr. M.Chandra, learned Counsel appearing for the Applicants, Mr. G.Baishya, learned Senior Standing Counsel for Respondent No.1 and Mr. R.Das, learned Counsel for ESIC.


[KHUSHIRAM]
Member [Administrative]


[MANORANJAN MOHANTY]
Vice-Chairman

cm

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित रक्यूसा सुनिश्चित करने की तिथि Date fixed for notifying the requisite number of and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of deliver, of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
12/3/09	12/3/09	12/3/09	18/3/09	18/3/09

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,

Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

File in Court on.....

Court Officer.

Appeal from

Civil Rule

W.P. (C) No. 3464 of 2007

Appellant

Petitioner

The Employees State Insurance Corpn.

Versus

Dr. Pranjit Barman & others

Respondent

Opposite Party

Mr. S.R. Bhattacharjee (Sr. Adv)

Appellant

For

Petitioner

Mr. R. Das.

Mr. S. Bhattacharjee.

Respondent

For

Opposite Party

G. A. Assam

Mr. M. Chandra

Mr. S. Choudhury

Mr. S. Ghosh

Advs. for
Caveator

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	Mr. S. Choudhury		4
	Mr. S. K. Ghose		

File in Court on.....

Court Officer.

- 5 -

In the matter of :-

1. The Employees State Insurance Corporation being represented by the Medical Superintendent, E.S.I.C. Model Hospital, Beltola, P.O. Guwahati - 781022, District : Kamrup (Metropol), Assam.
2. The Union of India, being represented by the Secretary to the Govt. of India, Ministry of Labour and Employment, New Delhi.
3. The Director General, Employees State Insurance Corporation, Panchadeep Bhawan, Kotla Road, New Delhi - 110002.
4. The Medical Commissioner, Employees State Insurance Corporation, Panchadeep Bhawan, Kotla Road, New Delhi - 110002.
5. The Regional Director, Employees State Insurance Corporation, Bamunimaidan, P.O. Guwahati-781021.
6. The Medical Superintendent, Employees State Insurance Corporation Model Hospital, Beltola, P.O. Guwahati - 781022.

... WRIT PETITIONERS

- Versus -

1. Dr. Pranjit Barman,
2. Dr. Pranab Kumar Sarma,
3. Dr. Pradip Kumar Bordoloi,

4...

- 5(A) -

4. Dr. Nalini M^ohan Das,
5. Dr. Nava Kumar G^ogⁱ,
6. Dr. Apurba Kumar Saikia,
7. Dr. Tarun Kr. Bhuyan.
8. Dr. Bhaben R^ongs^on
9. Dr. Kabin Tumung.
10. Dr. (Mrs.) Sikha Sarma.
11. Dr. Karabi Kalita.
12. Dr. Chandan Ch^oudhury.
13. Dr. Dipak Chanchal B^orb^ora.
14. Dr. (Mrs.) Mandira Sarma.
15. Dr. (Mrs.) Parinita Hazarika.

(Serial N^os. 1 t^o 15 ab^ove) are all -
w^orking as Medical Officers (On deputati^on),
fr^om the G^ovt. of Assam, at the Employees
State Insurance C^orp^orat^on Model H^ospital,
Belt^ola, P.^o. Guwahati - 781022,
District : Kamrup (Metr^o), Assam.

... RESPONDENTS

16. The C^ommissi^oner & Secretary t^o the
G^ovt. of Assam, Lab^our & Empl^oyment
Department, Assam Sachivalaya, Dispur,
P.^o. Guwahati - 781006.
17. The Secretary t^o the G^ovt. of Assam,
Lab^our & Empl^oyment Department,
Assam Sachivalaya, Dispur,
P.^o. Guwahati - 781006.

Court Officer.

- 6 -

18. The Administrative Medical Officer,
Employees State Insurance Scheme,
Government of Assam, Z^{oo} Narangi Road,
P.O. Guwahati - 781021,
District : Kamrup (Met^o), Assam.

...PR^oFORMA RESPONDENTS/
RESPONDENTS N^{os} 6 -8 of
O.A.247/04.

19. The Central Administrative Tribunal,
Principal Bench,
being represented by its Chairman,
C.A.T., Principal Bench, Copernicus
Marg, New Delhi - 110001.

20. The Central Administrative Tribunal,
Guwahati Bench,
being represented by its Section
Officer(Judicial) Rajgarh Main Road,
P.O. Guwahati - 781005.

... RESPONDENTS

File in Court on.....
Court Officer.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

W.P(G) NO 3464/07

BEFORE
HON'BLE THE CHIEF JUSTICE MR. J. CHELAMESWAR
HON'BLE MR. JUSTICE MR. I.A. ANSARI

12.03.2008

Chelameswar, CJ:

Heard Mr. S.R. Bhattacharjee, learned Senior Counsel appearing for the writ petitioner and Mr. B.C. Das, learned Senior Counsel appearing for the Respondent No.1 to 15.

Aggrieved by the order of the learned Central Administrative Tribunal in Original Application No. 247/2004 dated 03.01.2006, the 2nd Respondent therein preferred the present writ petition.

Respondent Nos. 1 to 15 herein are employees of the State of Assam, who have been working with the writ petitioner on deputation with effect from various dates, details of which are not necessary to discuss for the present purpose.

Undisputed facts are that the State of Assam and the writ petitioner entered into a Memorandum of Understanding dated 26.12.2002 wherein it was agreed that the Respondent No.1 to 15 herein would be absorbed in the service of the writ petitioner, if such respondents, opt to be absorbed. It is the case of the Respondent Nos. 1 to 15 in the abovementioned original application that all of them exercised their option to be absorbed in the service of the writ petitioner. Notwithstanding their exercise of such option the writ petitioner has not taken any final decision to absorb them. Therefore, the Respondent No.1 to 15 filed the abovementioned Original Application No.247/2004 before

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
	the learned Central Administrative Tribunal, Guwahati Bench with the prayer as follows:-		
	8.1 That, the Hon'ble Tribunal be pleased to direct the Respondents to give the cadre pay and allowances to the applicants at ESIC norms and at par with that of their counterparts in the ESIC w.e.f. 04.04.2003 with all consequential service benefits.		
	8.2 That the Hon'ble Tribunal be pleased to set aside and quash the order bearing letter No. A.II(II)-3/2003-DM(HQ) dated 30.11.04.		
	8.4 That the Hon'ble Tribunal be pleased to direct the respondents to refix the pay of the applicant with immediate effect.		
	8.5 That the Respondents be directed to formulate the detailed terms and conditions for permanent absorption of the applicants in accordance with law and without any prejudice to the interest/ prospects of the applicants and to absorb them thereafter in the ESIC on their individual option within a reasonable time frame."		
	It is also the grievance of the Respondent No. 1 to 15 that though they have been serving under the writ petitioner, they are not being paid on par with the other employees of the writ petitioner. Therefore they sought that their emoluments be brought at par with the employees of the writ petitioner. The writ petitioner by communication dated 30.11.2004 decided to give only limited relief, but did not choose to bring their emoluments on par with the employees of the ESIC. It was further prayed before the Tribunal that the writ petitioner be directed to absorb each of the Respondent No.1 to 15 into the service of the ESIC with effect from actual date of their joining the service of the writ petitioner. The Tribunal after elaborate consideration of the matter came to the conclusion that as there is no dispute regarding absorption of the applicant/ Respondent No. 1 to 15 either between the State of Assam and the writ petitioner or between the abovementioned respondents and either of the abovementioned parties, directed the writ petitioner to		

File in Court on.....

Court Officer.

20

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	petitioner ² in terms ³ of the memorandum of understanding dated 26.12.2002 within a period of six months from the date of receipt of the order.		
	The grievance of the writ petitioner is that though the writ petitioner is agreeable to absorb the Respondent Nos. 1 to 15 (as a matter of fact have already been absorbed by two communications dated 17.09.2007 and 08.10.2007 with effect from 01.01.2006) the impugned order of the Tribunal did not specify the date with effect from which these respondents are required to be absorbed. The grievance of the writ petitioner is that the Tribunal ought to have fix an effective date for absorption of the respondents. We are not inclined to go into the question for the reason that it is bought to our notice that during pendency of writ petition, as already indicated above, the writ petitioner took decision to absorb the Respondent Nos. 1 to 15 with effect from 01.01.2006, but not with effect from the date on which each of the Respondents joined service of the writ petitioner on deputation. Such decision of the writ petitioner fixing the date of absorption w.e.f. 01.01.2006 has already been assailed by the Respondent No. 1 to 15 in Original Application No.39/2006, which is now to be decided by the Tribunal in the abovementioned matter. In view of the fact that the writ petitioner has already taken a decision to absorb the Respondents with effect from 01.01.2006, the grievances of the writ petitioner, in our view, is only marginal and do not call for adjudication in this writ petition. The writ petition is, therefore, dismissed at the admission stage.		

SR- 9-A- Ambadi
Judge

SR- J. Chubamashar
Chief Justice

P.W.D. 92431,
BTR 12-3-08

CERTIFIED TO BE TRUE COPY	
Kereng Kam Seng	
Date	18/3/08
Superintendent (Copying Section)	
Gauhati High Court.	
Authorised U/S 78, Act 1, 1872	

18/3/08

IN THE MATTER OF :-

The Employees State Insurance Corporation

being represented and authorised by -

Dr. Porimal Maji, the Medical Superintendent,

Employees State Insurance Corporation Model

Hospital, Beltola, P.O. Guwahati-781022.

District : Kamrup (Metro), Assam.

... PETITIONER/RESPONDENTS

NOS. 1 -5 OF O.A.247/04.

- Versus -

1. Dr. Pranjit Barman,
2. Dr. Pranab Kumar Sarma
3. Dr. Pradip Kr. Bordoloi.
4. Dr. Nalini Mohan Das.
5. Dr. Neva Kumar Gogoi.
6. Dr. Apurba Kr. Saikia.
7. Dr. Tarun Kr. Bhuyan.
8. Dr. Bhaben Rongson
9. Dr. Kabin Tumung.
10. Dr. (Mrs.) Sikha Sarma.
11. Dr. Karabi Kalita.
12. Dr. Chandan Choudhury.
13. Dr. Dipak Chanchal Borbora.
14. Dr. (Mrs.) Mandira Sarma.
15. Dr. (Mrs) Parinita Hazarika.

(Serial Nos. 1 to 15 above) are all -
working as Medical Officers (On deputation),
from the Govt. of Assam, at the Employee State
Insurance Corporation Model Hospital, Beltola,
P.O. Guwahati-781022, DIST. Kamrup (Metro), Assam.

...RESPONDENTS/(APPLICANTS
IN O.A.247/04)

16...

16. The Commissioner & Secretary to the
Govt. of Assam, Labour & Employment
Department, Assam Sachivalaya, Dispur,
P.O. Guwahati - 781006.
17. The Secretary to the Govt. of Assam,
Labour & Employment Department,
Assam Sachivalaya, Dispur,
P.O. Guwahati - 781006.
18. The Administrative Medical Officer,
Employees State Insurance Scheme,
Government of Assam, Zoo Narangi Road,
P.O. Guwahati - 781021,
District : Kamrup (Metro), Assam.

...PROFORMA RESPONDENTS/
RESPONDENTS 6-8 of OA247/04

19. The Central Administrative Tribunal,
Principal Bench, being represented by
its Chairman, C.A.T., Principal Bench,
Copernicus Marg, New Delhi - 110001.
20. The Central Administrative Tribunal, Guwahati
Bench, being represented by its Section
Officer (Judicial) Rajgarh Main Road,
P.O. Guwahati - 781005.

... RESPONDENTS

20
8

4

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			WP(C) 3464/2007
			PRESENT
			HON'BLE CHIEF JUSTICE MR. J.CHELAMESWAR
			HON'BLE SMT. JUSTICE A. HAZARIKA
			1.8.2007
			(J.Chelameswar, CJ)
			Adjourned at the request of the learned counsel for the petitioner.

sdt- A-Hazarika
gndge

sdt/- J.Chelameswar
chief justice

✓
SL 83416
dt 21.9.07

CERTIFIED TO BE TRUE COPY
Date 10/10/07
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76 Act 1 1872

JdH
10/10/07

30 AUG 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 17 of the Administrative Tribunal Act 1985)

CONTEMPT PETITION No. 14 /2007

In M.P. No. 24/2007 in O.A. No. 247/2004

In the matter of:

Dr. Pranab Kumar Sarma & Ors.

..... Petitioners.

-Versus-

Union of India & Ors.

... Respondents/

Alleged contemnors.

-And-

In the matter of:

An application under Section 17 of the Administrative Tribunals Act, 1985, praying for initiation of a Contempt proceeding against the alleged contemnors for non-compliance of the judgment and order dated 03.01.2006 passed in O.A. No. 247/2004 as well as order dated 23.05.06 in M.P. No. 24/2007.

-And-

In the matter of:

1. Dr. Pranjit Barman
2. Dr. Pranab Kr. Sarma
3. Dr. Pradip Kr. Bordoloi
4. Dr. Nalini Mohan Das
5. Dr. Nava Kr. Gogoi.
6. Dr. Apurba Kr. Saikia
7. Dr. Tarun Kr. Bhuyan
8. Dr. Bhaben Rongson
9. Dr. Kabin Tunung

21
Filed by the applicant
through U. Anta, advocate
on 30.08.07

- 22/ 2
10. Dr. Gunabhi Ram Sarma
 11. Dr. (Mrs.) Sikha Sarma
 12. Dr. Karabi Kalita
 13. Dr. Chandan Choudhury
 14. Dr. Dipak Chanal Bobora
 15. Dr. (Mrs.) Mandira Sarma
 16. Dr. Ajit Kr. Sarma
 17. Dr (Mrs.) Kanan Bora
 18. Dr. (Mrs.) Makan Sarma
 19. Dr. (Mrs.) Parinita Hazarika.

..... Petitioners.

-AND-

1. Mrs. Sudha Pillai, IAS,
Secretary to the
Government of India,
Ministry of Labour and Employment,
New Delhi.
2. Mr. Prabhat Kumar Chaturvedi
Director General
Employees State Insurance Corporation
Panchadeep Bhawan
Kotla Road, New Delhi- 110002.
3. Mrs. Kamallesh Kalra
Medical Commissioner,
Employees State Insurance Corporation
Panchadeep Bhawan
Kotla Road, New Delhi- 110002.

... Alleged contemnors.

The humble applicants above named-

Most respectfully Sheweth: -

1. That your petitioners approached this Hon'ble Tribunal by filing an Original Application under Sec 19 of the Administrative Tribunal's Act 1985 for redressal of their grievances, more particularly for regular absorption in the E.S.I Model Hospital under Employees State Insurance Corporation. The said Original Application was registered as O.A No. 247/2004 and after receipt of the notices, the respondents contested the case before the Learned Tribunal and the matter was finally decided by the Learned Tribunal on 03.01.2006, with the direction upon the respondents to implement the terms and condition contained in

Memorandum of understanding and the Draft terms of absorption to the effect agreed to by the State Government, in their written within a period of six months from the date of the receipt of the order. It is further ordered by the Learned Tribunal that if on such implementation the applicants are entitled to pay and allowances, needless to say it has to be given to the applicants from the date of their joining duty in the E.S.I Model Hospital. The aforesaid original application has been disposed of with the aforesaid order.

A copy of the judgment and order dated 03.01.06 is enclosed herewith as Annexure- A.

2. That your petitioners immediately after receipt of the judgment and order dated 03.01.06, submitted representation and also approached the authority for implementation of the aforesaid order of the Learned Tribunal. However the respondents on different occasion approached the Learned Tribunal seeking extension of time for implementation of the judgment and order dated 03.01.06. However the Learned Tribunal on 17.07.06 was pleased to grant 4 months time for implementation of the said judgment. It is relevant to mention here that your applicants preferred another original application before this Learned Tribunal on apprehension of repatriation. The said original application has been registered as O.A. No. 36/06 and the same is still pending before the Learned Tribunal.

It is pertinent to mention here that the Learned Tribunal was pleased to pass an interim order of status quo, restraining the respondents not to repatriate the applicants. However, the respondents preferred Misc. petition No. 121/06 for vacation of the interim order dated 08.02.06 passed in O.A No. 36/2006. The Hon'ble Tribunal while vacating the interim order of status quo for the limited purpose of the implementation of Court's order but it is made clear that the applicants will not be repatriated, and also considering the facts and circumstances further pleased to pass a direction upon the respondents to expedite the order of implementation. The aforesaid order was passed by this Hon'ble Tribunal on 20.11.06 but till date no action has been taken for implementation of the

judgment and order dated 3.01.06. As a result the present petitioners have been adversely affected in the matter of absorption, grant of regular time scale as per E.S.I.C norms, seniority and other service benefits. Therefore finding no other alternative the petitioners are approaching this Hon'ble Tribunal praying for initiation of contempt proceeding under Section 17 of the Administrative Tribunals Act 1985 for non-compliance of the judgment and order dated 03.01.06 passed in O.A. No. 247/2004 as well as order dated 23.05.07 passed in M.P. No. 24/2007 in O.A. No. 247/04 further direction upon the respondents to implement the judgment and order dated 03.01.06 passed by this Hon'ble Tribunal and further be pleased to impose punishment upon the alleged contemnors in accordance with law.

3. That the petitioners finding no other alternative approached this Hon'ble Tribunal by filing M.P. No. 24/2007 under Rule 24 of the Central Administrative Tribunal (Procedure) Rule 1987 for implementation of the judgment and order dated 03.01.06 passed in O.A. No. 247/2007. The said M.P. No. 24/2007 was allowed on 23.05.07 granting three months time to the respondents to comply with the orders of this Tribunal. Thereafter Lawyer of the petitioners submitted a letter addressed to the respondents for compliance of the order dated 23.05.07 in M.P. No. 27/07 in OA No. 247/04, but to no result.

Copy of the order dated 23.05.07 and letter dated
05.07.07 are enclosed herewith for perusal of Hon'ble
Tribunal as Annexure- B and C.

4. That it is stated that the alleged contemnors/respondents with one or other pretext deliberately and willfully adopted a delaying tactics in implementing the judgment and order dated 03.01.06. Therefore, the Hon'ble Tribunal be pleased to initiate a Contempt proceeding against the alleged contemnors for willful violation of the order dated 23.05.2007 in O.A. No. 247/2004 as well as order dated 23.05.2007 in M.P. No. 24/2007 in O.A. No. 247/2004 of this Hon'ble Tribunal and further be pleased to

impose punishment upon the alleged contemnors in accordance with law for non-compliance of the judgment and order dated 03.01.06.

5. That this application is made bonafide and for the interest of justice.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate Contempt proceeding against the alleged contemnors for willful non-compliance of the judgment and order dated 03.06.2006 passed in O.A. No. 247/2004 as well as order dated 23.05.2007 passed in M.P. No. 24/2007 in OA No. 247/04 and be pleased to impose punishment upon the alleged contemnors in accordance with law and further be pleased to pass any other order or orders as deemed fit and proper by the Hon'ble Court.

And for this act of kindness, the petitioners as in duty bound, shall ever pray.

AFFIDAVIT

I, Dr. Pranab Kumar Sharma, S/O Late Pratap Sharma, aged about 49 years, working in the office of the E.S.I corporation, petitioner No. 1 in the instant petition, duly authorized by the others to verify the statements do hereby solemnly declare as follows: -

1. That I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statements made in paragraph 1 to 5 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before this Hon'ble Tribunal, Guwahati Bench, Guwahati for non-compliance of the judgment and order dated 03.06.2006 passed in O.A. No. 247/2004 as well as order dated 23.05.2007 passed in M.P. No. 24/2007 in OA No. 247/04.

And I sign this Affidavit on this 30th day of August 2007.

Identified by

Subrata
Advocate.

Pranab Sharma
Deponent

The above named deponent
Solemnly affirmed and
declared before *Shri Subrata*
Advocate on the *30th*
day of August 2007.
Who is identified by *Mrs.*
U. Dutta, Advocate

Subrata
Advocate
30/8/07

28

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of the judgment and order dated 03.06.2006 passed in O.A. No. 247/2004 as well as order dated 23.05.2007 passed in M.P. No. 24/2007 in OA No. 247/04.

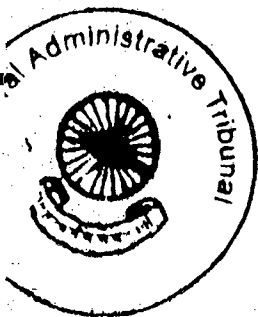
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 247 of 2004

Date of Order: This, the 3rd day of January, 2006

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR N.D.DAYAL, ADMINISTRATIVE MEMBER.



1. Dr. Pranjit Barman
2. Dr. Pranab Kr. Sarma
3. Dr. Pradip Kr. Bordoloi
4. Dr. Nalini Kr. Bordoloi
5. Dr. Nava Kr. Gogoi
6. Dr. Apurba Kr. Saikia
7. Dr. Tarun Kr. Bhuyan
8. Dr. Bhaben Rongson
9. Dr. Kabin Tumung
10. Dr. Guhabhi Ram Sarma
11. Dr. (Mrs) Sikha Sarma
12. Dr. Karahi Kalita
13. Dr. Chandan Choudhury
14. Dr. Dipak Chancel Borhara
15. Dr. (Mrs) Mandira Sarma
16. Dr. Ajit Kr. Sarma
17. Dr. (Mrs) Kanan Bora
18. Dr. (Mrs) Mekan Sarma
19. Dr. (Mrs) Parinita Hazarika

..... Applicants.

(All are working as Medical Officers in the ESI Model Hospital, Beltola, Guwahati-22, Assam under the Employee's State Insurance Corporation. They are on deputation from Govt. of Assam).

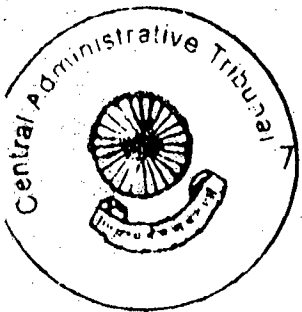
By Advocates Dr. J. L. Sarkar, Mr. M. Chanda, Mr. S. Nath,
Mr. G. N. Chakraborty & Mr. S. Choudhury.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Labour and Employment
New Delhi.
2. The Director General
Employee's State Insurance Corporation
Panchadeep Bhawan
Kotla Road
New Delhi - 110 002.
3. The Medical Commissioner
Employee's State Insurance Corporation
Panchadeep Bhawan
Kotla Road
New Delhi - 110 002.
4. The Regional Director
Employee's State Insurance Corporation
Panchadeep Bhawan
Kotla Road
New Delhi - 110 002.
5. The Superintendent
Model Hospital
Employee's State Insurance Corporation
Bellola, Guwahati-781 022
Assam.
6. The Commissioner and Secretary
to the Government of Assam
Labour and Employment Department
Dispur, Guwahati-781 006.
7. The Secretary
to the Government of Assam
Labour and Employment Department
Dispur, Guwahati-781 006
Assam.
8. The Administrative Medical Officer
ESI Scheme, Government of Assam
Zoo Narangi Road
Guwahati - 781 021
Assam.

.....Respondents.

By Mr. B.C. Pathak, Advocate for the ESIC and Mrs. M. Das,
Govt. Advocate, State of Assam.



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O R D E R (ORAL)

SIVARAJAN, J. (V.C.) :

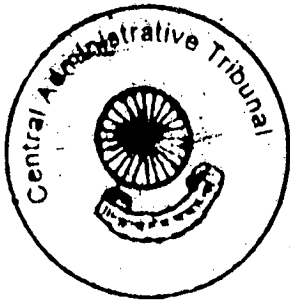
The applicants 19 in number are working as Medical Officers in the ESI Model Hospital, Bellola, Guwahati, Assam, (under the Employee State Insurance Corporation (for short ESIC) on deputation from the Government of Assam. They have filed this application seeking for the following reliefs:-

"8.1 That the Hon'ble Tribunal be pleased to direct the Respondents to give the cadre pay and allowances to the applicants at ESIC norms and at par with that of their counterparts in the ESIC w.e.f. 04.04.2003, with all consequential service benefits.

8.1A That the Hon'ble Tribunal be pleased to set aside and quash the order bearing letter No. A-11(11)-3/2003-DM(HQ) dated 30.11.04.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to refix the pay of the applicant with immediate effect.

8.3 That the Respondents be directed to formulate the detailed terms and conditions for permanent absorption of the applicants in accordance with law and without any prejudice to the interest/prospects of the applicants and to absorb them thereafter in the ESIC on their individual option within a reasonable time frame."

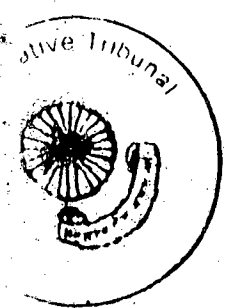


2. The case of the applicants is that the ESIC had entered into a Memorandum of Understanding (for short MOU) dated 26.12.2002 (Annexure-3) containing the terms and conditions under which the services of the applicants and other staff of the State Government deputed in the ESI Model Hospital have to be absorbed in the ESIC. It is

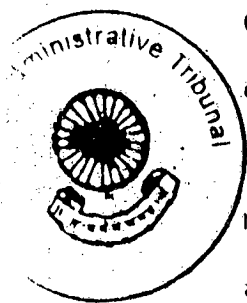
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stated that pursuant to the terms and conditions contained in the MOU the applicants and the other staff were asked to give their option to accept the scale of pay in respective cadre/categories of posts in the ESIC as per the existing norms/rules of the ESIC and that the applicants, pursuant to same, had given their option as early as in 2003. It is ^{the} grievance of the applicants that they are not being paid pay and allowances of the ESIC opted for by them till date. It is also stated that the ESIC had prepared a draft terms of absorption (Annexure-A to the M.P. 125/2005) and forwarded the same to the State Government which has not been finalised so far. It is stated that in Clause-3 of the draft terms of absorption it is provided that an employee opting for absorption has to resign from the State Government service and his absorption in Corporation service will take effect from the date of deputation in ESIC or from the date he joins the duty in the ESIC whichever is earlier. It is also stated that Clause 12 of the draft also provides that pay of an absorbed employee will be fixed as per Fundamental Rules of Govt. of India and Regulation 7(4) (a) of ESIC (Staff & Condition of Service) Regulations, 1959. The grievance of the applicants, as can be seen from the reliefs, is that the ESIC has not so far implemented the MOU and the draft scheme which prejudicially affects them. ESIC has filed its written statement. The applicants have filed rejoinder. Respondents 6 & 7 have also filed written statement.

Ant

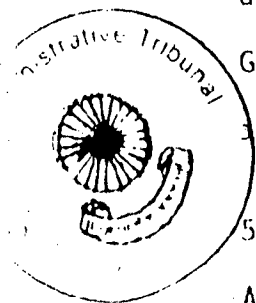


3. We have heard Dr. J.L. Sarkar assisted by Mr. M. Chanda, learned counsel appearing for the applicants, Mr. B. C. Pathak, learned counsel for the ESIC and Mrs. M. Das, learned Govt. Advocate for the State of Assam. Dr. Sarkar submits that according to the MOU and as per the draft terms of absorption which are undisputed documents the applicants are entitled to pay and allowances applicable to ESIC once it is opted by the applicants and that they are being denied of such benefits in spite of their opting for the same. Dr. Sarkar also submits that the stand taken by the ESIC is that the draft terms and conditions sent to the State Government has not yet been approved by the State Government. Counsel took us to the communication dated 3.6.2005 issued by the ESIC to the Secretary to the State of Assam forwarding the draft terms and conditions for the approval of the State Government and submitted that in the said communication it is specifically stated by the ESIC that "Incase, we do not hear from you within three months we will presume that you are in agreement with the proposed terms" but the ESIC is not proceeding with the matter under one pretext or the other. Counsel further submits that the ESIC must be directed to expedite the implementation of the MOU and the draft terms of absorption. Counsel further submits that the Corporation must also be directed to disburse the pay and allowances applicable to their counterparts in the ESIC from 2003 onwards urgently and to implement the other terms and conditions also.



[Signature]

4. Mr. B. C. Pathak, counsel appearing for the ESIC submits that the ESIC has brought out a scheme in the 122nd Meeting of the ESIC held on 20.2.2002 for setting up model ESI Hospitals in 15 places in different States and it is pursuant to the said scheme an MOU has been entered into between the Representatives of ESIC and the Government of Assam. Counsel further submits that the MOU did not contain all the terms and conditions for the absorption of the State Government staff deputed to the ESI Model Hospital and the Corporation has prepared a draft terms and conditions in the matter of absorption of such staff which was forwarded to the Government of Assam for their approval as early as on 3.6.2005 but the matter is delayed solely for the reason that the State Government did not respond to the same. Counsel also submits that the Corporation is concerned not only with the State of Assam but also with the Model Hospitals set up in 14 other States and that a uniform terms and conditions have to be approved. Counsel further submits that it is only thereafter the question of disbursement of pay and allowances to the applicants and to the other staff as per ESIC norms can be decided. Counsel also pointed out that having regard to the lengthy procedure involved in the matter of absorption of the deputationists including the approval from the Central Government some substantial time is required for its implementation

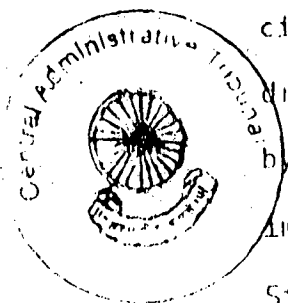


5. Mrs. M. Das, Govt. Advocate for the State of Assam, submits that the State of Assam has filed a written

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statement wherein the State Government had practically approved the draft terms and conditions and therefore there is no difficulty for the ESIC to proceed with the matter. Mrs. Das further submits that the State Government has already instructed the Corporation to release pay and allowances to the deputationists as per the ESI norms and therefore there is no difficulty in making payment to the applicants and other staff.

6. We have considered the rival submissions. There is no dispute that the applicants the State Government employees who are sent on deputation in the ESI Model Hospital under the ESIC. There is also no dispute that an MOU was entered into in regard to the terms and conditions of absorption of the applicants and other staff in the ESIC. However, the stand taken by the ESIC is that it did not contain all the terms and conditions and a draft terms and conditions was prepared and sent to the State Government for their approval. True, the State Government did not sent any reply. However, the State Government in its written statement has practically agreed to the draft terms of absorption prepared and sent by the ESIC. In such circumstances, it is a matter for the ESIC to make the draft statement final taking into account the stand taken by the State Government in the written statement and to implement the same in respect of the doctors and all other State Government employees working on deputation in the ESI Model Hospital and being absorbed in the ESIC.



[Handwritten signature]

- 13 -

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7. The applicants have got a case that they are entitled to get pay and allowances from 2003 onwards since they have submitted their option in terms of the MOU and the draft terms of absorption, particularly in view of the clauses contained in the MOU and in the draft terms of absorption to the effect that they will be absorbed from the date of deputation in ESIC or from the date they joining duty whichever is earlier. According to us, these are all matters which the ESIC has to consider and expeditious decision has to be taken.

8. Now, that the draft terms and conditions contained in Annexure A to the A.P.125/2005 has been practically approved by the State Government we direct the ESIC to proceed with the matter and to implement the terms and conditions contained in the MOU and the draft terms of absorption to the effect agreed to by the State Government in their written statement within a period of six months from the date of receipt of this order. If, on such implementation the applicants are entitled to pay and allowances, needless to say it has to be given to them from the date of their joining duty in the ESI Model Hospital.

The Original Application is disposed of as above.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)



*Collected
With
Advocate*

Date of Application : 12/01/06.
Date on which copy is ready : 12/01/06.
Date on which copy is delivered : 12/01/06.
Certified to be true copy

12/01/06
Section Officer (Judl)
C. A. T. Guwahati Bench
(C. A. T. Guwahati Bench)

Original Application No. _____

Miss Petition No. _____ 24.07.2007 O.A. 247/04

Contempt Petition No. _____

Reply Application No. _____

Applicant(s) Dr. P.K. Sonawale VS Union of the Employees

Advocate for the Applicant(s) M. Chanda

S. Nalk

Advocate for the Respondent(s) Case

of the Registry

Date

Time

Time

23.5.2007

Heard M. Chanda, learned counsel for the Applicants and Mr.R.Das for the Respondents.

This petition has been filed by the Applicants under Rule 24 of the CAT (Procedure) Rules, 1987 for implementation of the judgment of this Tribunal dated 03.01.2006, passed in O.A. No.247/2004. This Tribunal in its judgment dated 03.01.2006 passed in the aforesaid O.A. had passed the following directions at paragraph 8:-

"Now, that the draft terms and conditions contained in Annexure-A to the M.P.125/2005 has been practically approved by the State Government we direct the ESIC to proceed with the matter and to implement the terms and conditions contained in the MOU and the draft terms of absorption to the effect agreed to by the State Government in their written statement within a period of six months from the date of receipt of this order. If, on such implementation the applicants are entitled to pay and allowances, we direct to say it has to be given to them from the date of their joining to the PBI Model Hospital."



Attested
M. Chanda
Advocate

The respondents in their contention contended that since the Review Petition No.4/2006 along with M.P. (Confidential Petition) No.104/2006 is pending adjudication, this Tribunal may not issue any further direction. However, it is borne from records that the aforesaid R.A. & M.P. have already been dismissed by this Tribunal and therefore, the ground taken by the Respondents is rejected.

Mr. R. Das, learned counsel for the Respondents submitted that Respondents have preferred a writ petition (Filing No.5402 dated 22.05.2007) before the Hon'ble Gauhati High Court and therefore the matter may be kept in abeyance.

However, since the orders of this Tribunal was passed on 03.01.2006 itself which requires implementation this Tribunal is of the view that certain time to be granted to the Respondents to comply with the orders. Accordingly, further three months' time from today is granted to the Respondents to comply with the orders of this Tribunal.

The M.P. is allowed accordingly.

Copy of the order shall be furnished to the counsel for the parties.



SA/VICE CHAIRMAN

Memo.No.

270.

Copy for information and necessary action to

- 1) Mr. M. Chandra, Advocate, Gauhati High Court
- 2) The Superintendent, Model Hospital, Employees State Insurance Corporation, Belhola, Guwahati - 781022.

Section Officer(S)
10/5/29/5

Janik Chanda

Advocate
Guwahati High Court

- 18 -

ANNEXURE - 'C'

2522998

Bye Lane - 7

Lachit Nagar

Guwahati - 781 007

88

Ref. No.

Date 05.07.07

To,

The Medical Superintendent,
Model Hospital,
Employees State Insurance Corporation,
Beltola, Guwahati-781022.

Sub:- Request for compliance of the Hon'ble Tribunal's order dated
23.05.2007 passed in M.P. No. 27/2007 in O.A. No. 217/2001.

- My Clients:-
1. Dr. Prafulla Barman.
 2. Dr. Pranab Kr. Sarma
 3. Dr. Pradip Kr. Boodhdeli
 4. Dr. Nalin Mohan Das.
 5. Dr. Naya Kr. Gogoi.
 6. Dr. Apurba Kr. Saikia.
 7. Dr. Tarun Kr. Bhuyan.
 8. Dr. Bhaben Rongson.
 9. Dr. Kabin Tumung.
 10. Dr. Gunabhi Kam Sarma.
 11. Dr. (Mrs.) Sikha Sarma
 12. Dr. Karabi Kalita.
 13. Dr. Chandan Choudhury.
 14. Dr. Dipak Chancel Borbora.
 15. Dr. (Mrs) mandira sarma.
 16. Dr. Ajit. Kr. Sarma.
 17. Dr. (Mrs) Kanan Bora.
 18. Dr. (Mrs.) Malsan Sarma.
 19. Dr. (Mrs) Parmita Hazarika.

(All are working as medical officers in the ESI Model Hospital,
Beltola, Guwahati-22, Assam under the Employee's State Insurance
Corporation. They are on deputation from Govt. of Assam).

Attested
by
Advocate

let No

Date

Dear Sir,

Under the instruction of my client, I do hereby inform you that the learned Tribunal while disposing M.P No. 24/2007 in O.A No. 217/2004 was pleased to grant 3 months time w.e.f. 23.05.2007 for implementation of the judgment and order dated 03.01.2006 passed in O.A No. 217/2001. While passing the said order the Counsel for the E.S.I.C had submitted before the Hon'ble Tribunal that respondents have preferred a Writ Petition (filing no. 5402 dated 22.05.2007) before the Hon'ble High Court. In this connection I beg to say that a caveat has already been filed before the Registry of the Hon'ble Gauhati High Court by the undersigned, for and behalf of my clients. But surprisingly no copy of the writ petition as stated above was served upon the Caveator. Moreover, it appears that the Writ Petition was filed way back on 22.05.2007 but the said matter has not yet been listed for motion hearing till date before the Hon'ble Gauhati High Court. Therefore, on an inquiry, it is learnt that the writ petition is defective and as such the same was not listed before the Hon'ble High Court. It is to be noted at this stage that the judgment and order was passed way back on 03.01.2006 with a direction to complete the entire exercise of absorption within a period of six months from the date of receipt of the copy of the order. But thereafter on several occasions the corporation sought extension of time for implementation of the order dated 03.01.2006 and accordingly time was extended by the learned Tribunal on the assurance of the E.S.I. Corporation for implementation of the same. However, the Tribunal also pleased to grant another 3 months time w.e.f. 23.05.2007. But it appears that although a writ petition has already been filed before the Hon'ble High Court by the 'Corporation', but no attempt is made to serve the copy of the writ petition to the Caveator even after a lapse of more than one month. It is also learnt on inquiry from my Advocate

Manik Chanda

Advocate
Calcutta High Court

3

2522998
Bee Lane 7
Lachit Nagar
Gurwahati ZBF 007

40

No.

Date

Clerk that details of the writ petition has not yet been removed by the Corporation.

In the circumstances stated above, you are requested to kindly serve a copy of the writ petition to the Caveator. It is further requested to take necessary steps for implementation of the judgment and order of the Learned Tribunal dated 03.01.2006 passed in O A No. 247/2004.

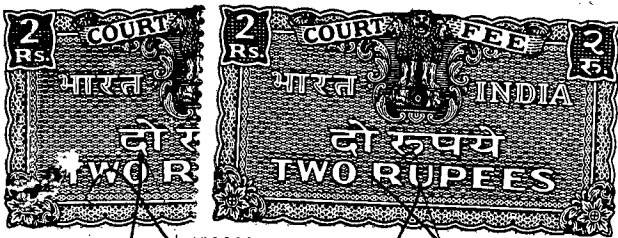
A copy of the order dated 23.05.2007 passed by the learned Tribunal is also enclosed for your reference.

This is for your information and necessary action.

(Manik Chanda)
(MANIK CHANDA)

Advocate

NOTICE



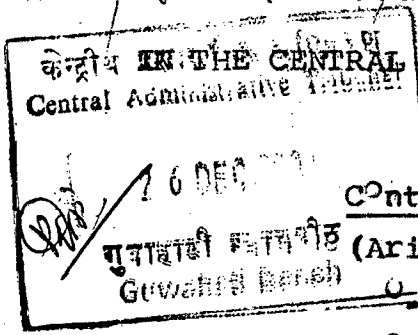
Filed by the
Alleged Contemner
NO-3,

kkaka

through

26/12/07

CRANJIT DAS
Advocate for the
Alleged Contemners.
NO-2/07



केन्द्रीय IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
Central Administrative Tribunal AT GUWAHATI - 781005.

Contempt Petition No. 14/2007

(Arising out of M.P.No. 24/07 in
Guwahati Bench O.A. 247/2004)

Dr. Pranjit Barman and 18 Others ... Petitioners
- Versus -

Dr. Mrs. Sudha Pillai and 2 Others ... Alleged Contemners

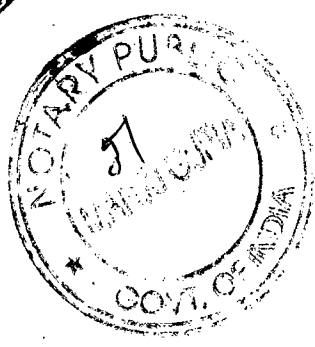
SHOW CAUSE ON BEHALF OF THE ALLEGED CONTEMNERS NOS. 1, 2
AND 3.

I, Dr. (Miss) Kamlesh Kalra,

Copy received
in 31/12/08
Datta

D/o Sh. Sohan Lal Kalra aged about 61 years, a
resident of A-38 Double Storey Ramesh Nagar
New Delhi presently serving as Medical
Commissioner, Employees State Insurance Corporation at
'Panchadeep Bhawan', Kotla Road, New Delhi - 110002, India,
do hereby solemnly affirm and swear as follows :-

1. That I am presently serving as Medical Commissioner,
E.S.I.C. at Panchadeep Bhawan, Kotla Road, New Delhi-
110002, India and I have been authorised by the Alleged
Contemners Nos. 1 and 2 viz; Mrs. Sudha Pillai and Mr.
Prabhat Kumar Chaturvedi to file this show-cause on their
behalf as well.



ATTESTED
NOTARY PUBLIC, NEW DELHI

2...

12 DEC 2007

- 2 -

2. That the Alleged Contemners No. 1 has received the notice from the Central Administrative Tribunal, Guwahati Bench in Contempt Petition No. 14/2007 on 18.9.07 alongwith a copy of the order of the learned Tribunal dated 29.8.07 and a copy of the contempt petition. The Ministry of Labour and Employment vide letter No. S-380/6/52/2007-SS.1, dated 19.9.07 addressed to the Director General, Employees State Insurance Corporation, New Delhi requested inter alia to file a compliance report in this Hon'ble Tribunal. The following communications have relevance in the matter.

(a) Central Govt., Ministry of Labour & Employment's letter No. S-380/6/52/2007-SS.1, dtd. 19.9.07.

(b) E.S.I.C. Hd.Qtr's letter No. C-18/11/9/2004-Med-4, dtd. 9.10.07.

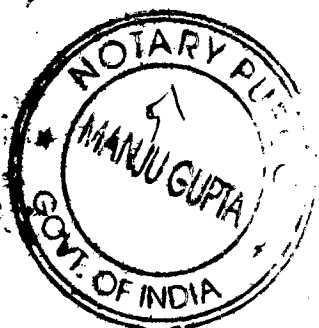
(c) -d's letter No. C-18/11/9/2004-Med-4, dtd. 23.10.07.

(d) -d's letter No. C-18/11/9/2004-Med.IV dtd. 1.11.07.

(e) -d's letter No. C-18/11/9/2004-Med.IV dtd. 2.11.07.

In view of the above communications I am authorised and competent to swear this affidavit on my own behalf and on behalf of the alleged contemners No. 1 and 2.

Copies of the aforesaid communications of the Govt. of India, dtd. 19.9.07, ESIC Headquarter dtd. 9.10.07, 23.10.07, 1.11.07 and 2.11.07 are enclosed hereto and marked as Annexure - A, A(1), A(2) A(3) and A(4) respectively.



ATTESTED

NOTARY PUBLIC, NEW DELHI

12 DEC 2007

26 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

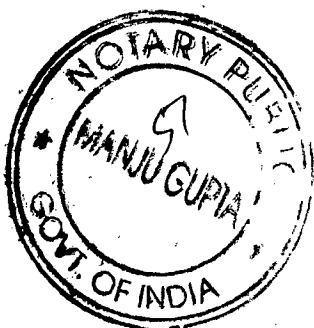
- 3 -

3. That on receipt of the copy of the contempt petition from the alleged contemner no. 1 ^{and 2} I have gone through the same and have understood its contents.

4. That save and except what has been specifically admitted in this affidavit, the deponent respectfully denies the rest of the statements made in the contempt petition.

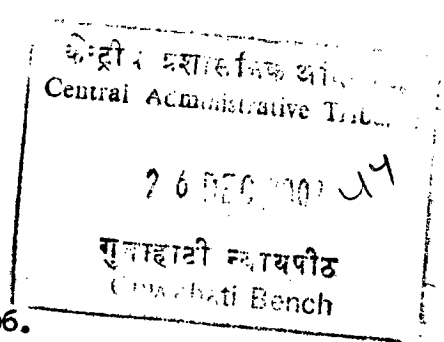
5. That with regard to the statements made in paragraphs 1 of the contempt petition, the deponent does not want to make any comment on the same as this Hon'ble Tribunal after considering the grievances of the petitioners in O.A. No. 247/04 passed the judgement and order dated 3.1.2006.

6. That with regard to the statements made in paragraph (first sub-paragraph of paragraph 2) of the contempt petition, the deponent does not want to make any comment as the same ^{has been passed by} this Hon'ble Tribunal after considering the grievances of the petitioners in O.A.No. 247/04 and that of the official respondents in M.P.No. 121/06 (in O.A. 36/06) passed the order dated 8.2.06 vacating the interim order of status quo for the purpose of implementation of the Hon'ble Tribunal's order directing that the applicants in O.A.36/06 shall not be repatriated and also expedite the order of implementation dated 20.11.06...



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2 DEC 2007



dated 20.11.06 passed in O.A. 36/2006.

The dep^onent, h^owever str^ongly and st^outly denies the rest ^of the averments/statements made in this sec^ond sub-paragraph ^of paragraph 2 ^of the c^ontempt petiti^on. This dep^onent states that it is n^ot c^orrect t^o allege that n^o acti^on has been taken t^owards implemen- tati^on ^of the ^orders ^of this H^on'ble Tribunal because ^of the f^oll^owing reas^ons :-

(i) This dep^onent states that vide Abs^orp^oti^on ^ord^or N^o. A-37(18)-1/2005-Med,VI, dtd. 17.9.07 issued by the J^oint Direct^or (Med) f^or Direct^or General, E.S.I.C. at Ranchdeep Bhawan, K^otla R^oad, New Delhi addressed t^o the Medical Superintendent, E.S.I.C. M^odel H^ospital, Belt^ola, Guwahati-22, Assam, the instant c^ontempt petiti^oners services as D^oct^ors have been abs^orbed in the E.S.I.C. M^odel H^ospital at Belt^ola, Guwahati, Assam with effect fr^om 1.1.2006 in the p^osts ^of IM^o ~~Gr.II~~ in the pay scales sh^own against each ^of them subject t^o the ^outc^ome ^of the writ petiti^on pending bef^ore the H^on'ble Gauhati High C^ourt registered as W.P.(C) N^o. 3464/2007.

In this ^ord^or ^of abs^orp^oti^on ^of D^oct^ors viz; c^ontempt petiti^oners N^os. 1 t^o 9, 11 t^o 14 and 19 t^otelling 14(f^ourteen) numbers wh^o were abs^orbed as IM^o-Gr.II in the ESIC time-scale ^of pay as menti^oned therein against their respective names. But the ^other 5(five) petiti^oners (wh^o were falsely made c^ontempt petiti^oners) were n^ot inv^olved in the matter. This is because the c^ontempt ...



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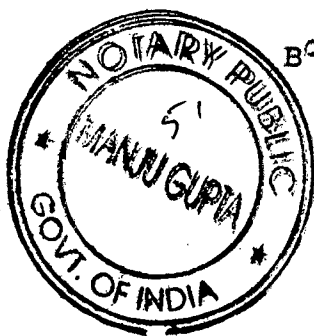
गुवाहाटी न्यायपीठ
Guwahati Bench

- 5 -

the contempt ~~Nº. 14/07~~ petitioner Nº. 10 Dr. ~~Mr~~ Gunabhi Ram Sarma has already attained superannuation on 31.1.04 and has retired from service vide Order Nº. 7 of 2004 communicated under Nº. 432-A-110/11/1/03-Estt.329-336, dated 30.1.04 and the release certificate under Nº. 432-A-110/11/1/03-Estt. 376 to 398 dated 07.02.04.

The contempt petitioner Nº. 16 Dr. Ajit Kumar Sarma, Contempt Petitioner Nº. 17 Dr. (Mrs.) Kanan Bora and Contempt petitioner Nº. 18 Dr. (Mrs.) Mekan Sarma who were on deputation from Assam Govt. were withdrawn from deputation by the Govt. of Assam vide Govt. Notification Nº. GLR.153/2003/43, dtd. 13.10.04 along with another Doctor viz; Dr. (Mrs) Mala Hazarika issued by the Joint Secretary to the Govt. of Assam, Labour and Employment Department, Dispur, Guwahati - 6.

(ii) Again vide letter Nº. 432-A-23/11/1/2003-Estt.2100, dated 29.10.07 issued by the Deputy Director (Admn.) for Medical Superintendent, E.S.I.C. Model Hospital, Beltola, Guwahati - 22, Assam has informed that the concerned Doctors have responded to the absorption order dated 17.9.07 by giving their acceptance out of which only 3 (three) Doctors viz; (1) Dr. (Mrs.) Sangitha Lahkar, (2) Dr. (Mrs) Hiranmayee Sarma and (3) Dr. (Mrs) Parinita Hazarika (the contempt petitioner Nº. 19) have given unconditional acceptance of the absorption order dated 17.9.07 and others have given conditional acceptance and one Dr. D.C. Borbora (Contempt petitioner Nº. 14) requested for giving ...



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NOTARY PUBLIC, NEW DELHI

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- 6 -

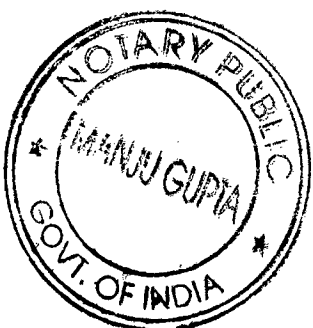
गुवाहाटी न्यायाधीश

for giving extension of 3(three) months time with effect from 26.10.07 for exercising his option of acceptance as G.D.M.^o. in view of earlier option for absorption as Medical Specialist in E.S.I.C. as per his letter dated 27.2.06.

Copies of these compliance Order & Others dtd. 17.9.07, 30.10.04, 7.2.04, 13.10.04, and 29.10.07 respectively are enclosed herewith and marked as Annexure - B, B(1) B(2), B(3) and B(4).

(iii) This deponent further states that against the said judgement and Order dated 3.1.06, the E.S.I.C. filed a Review Petition No. 4/06 which was rejected by circulation by this Hon'ble Tribunal without hearing the review petitioner for which being aggrieved a writ petition has been filed on 4.5.07 before the Hon'ble Gauhati High Court which has been registered as W.P.(C) 3464/07 and vide Order dated 1.8.07 the Hon'ble High Court adjourned the same for some technical omissions. Accordingly the E.S.I.C. Authorities filed on 8.10.07 3(three) Misc. Cases ; One for impleadment of the E.S.I.C. as a party in the writ petition, One for amendment of the writ petition and another for stay of the Order of this Hon'ble Tribunal dated 23.5.07 passed in M.P.No. 24/07

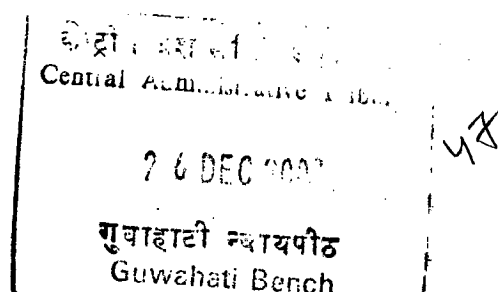
(in O.A.247/04) vide...



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(in O.A.Nº. 247/04) vide filing Nºs. 3852/07, 3853/07 and 3851/07 dated 9.10.07 before the Hºn'ble High Court which are pending disposal.

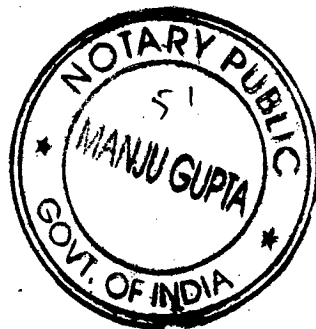
Copies of the Hºn'ble High Court's Order dated 1.8.07(07) passed in W.P.(C) ~~26~~ 3464/07 and Order dtd. 23.5.07 passed by this Hºn'ble Tribunal ~~26~~ in M.P. 24/07(in O.A.247/07) are enclosed herewith and marked as Annexure - C and C(1) respectively.

7. That with regard to the statements made in paragraph 3 of the contempt petition, the deponent does not want to make any comment on the same as this Hºn'ble Tribunal after considering the grievances of the petitioner in M.P.24/07(in O.A.247/04) passed the Order dated 23.5.07.

8. That as to the statements made in paragraph 4 of the contempt petition the deponent respectfully denies that neither the deponent nor the alleged contemner nº. 1 and 2 have with one or other pretext deliberately and wilfully adopted a delaying tactics in implementing the judgement and Order dated 03.01.06 passed by this Hºn'ble Tribunal in O.A.247/04 as alleged in the contempt petition.

The deponent states that the deponent has already complied with the Orders of this Hºn'ble Tribunal vide Absorption Order dated 17.9.07 (Annexure - B)

absorbing ...



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NOTARY PUBLIC, NEW DELHI

12 DEC 2007

26 DEC 2007

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absorbing the contempt petitioners with effect from 1.1.2006 making it subject to the outcome of the pending writ petition in the Hon'ble Gauhati High Court in W.P.(C) No. 3464/07 filed on 4.5.07 (filing No. 5402/07, dtd. 22.5.07) against the judgement and order dated 3.1.06 and the dismissal order of the Review Application No. 4/06 on 2.3.07, 29.3.07 and 5.4.07 respectively by circulation, by this Hon'ble Tribunal. The details of the absorption has been already stated in paragraph 6(i), 6(ii) and 6(iii) respectively herein above, which needs no repetition. The said writ petition came up for motion hearing on 1.8.07 when all the parties including the contempt petitioner -s learned Advocate was present and when the Hon'ble High Court granted adjournment because of some technical omissions resulting subsequent filing of 3(three) Misc. Cases by the E.S.I.C. Authorities vide filing Nos. (i) 3852/07, (ii) 3853/07 and (iii) 3851/07, dated 9.10.07 for impleadment of E.S.I.C. as a party, for amendment of writ petition and for stay of the orders dtd. 23.5.07 passed in M.P.24/07 (in O.A.247/04) all of which are pending disposal before the Hon'ble Gauhati High Court.

It is pertinent to mention herein that the dependent and the alleged contemnors no. 1 and 2 are all willing to

give effect to the absorption order w.e.f. 1.1.06 but the judgement and order dated 3.1.06 passed by this Hon'ble Tribunal shows that it should be given effect

from the date of joining of the contempt petitioners
as the date of joining has not been spelt out by this Tribunal by which the writ ...



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NOTARY PUBLIC, NEW DELHI

12 DEC 2007

which the writ petition has been filed in the Hon'ble Gauhati High Court, which is the only point to be decided by the Hon'ble High Court, as prayed for by the E.S.I.C. Authorities and the matter is sub-judice before Hon'ble High Court.

Meanwhile the concerned contempt petitioners have submitted their conditional acceptance of the absorption order dated 17.9.07, except 3(three) Doctors (including contempt petitioner no. 19) who have given unconditional acceptance vide Dy. ~~Medical~~ Director ~~(Medical)~~ (Admn.) for Medical Superintendent, E.S.I.C. Model Hospital, Beltola's letter No. 432-A-23/11/1/2003-Estt. 2100, dated 29.10.07 (Annexure - B(4)) addressed to the alleged contemner no. 2 (Director General, E.S.I.C. Headquarters Office at C.I.G. Marg, New Delhi - 2.

Moreover the letter No. S-38016/52/2007-SS.1, dated 19.9.07 (Annexure - A) issued by the Under Secretary to the Govt. of India, Ministry of Labour & Employment (S.S.1 Section) Shram Shakti Bhavan, New Delhi, addressed to the Director General, E.S.I.C. at Panchadeep Bhavan, CIG Road, New Delhi states amongst others that ~~from~~ a compliance report in C.A.T., Guwahati Bench is to be filed under intimation to the Ministry.

9. That as to the statements made in paragraph 5 of the contempt petition the deponent respectfully denies that the instant contempt petition has been filed bonafide in the facts and circumstances of the case and hence the same is liable to be rejected and dismissed.

10...



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 NOTARY PUBLIC, NEW DELHI

02 DEC 2007

10. That the dep^onent m^ost respectfully submits that the prayer made by the c^ontempt petiti^oner in the c^ontempt petiti^on alleging n^on-c^ompliance of order dated 3.6.2006 passed in O.A. N^o. 247/04 is n^ot a true fact. Besides there is n^o wilful n^on-c^ompliance and/or deliberate vi^olati^on of the order dated 23.5.07 passed in M.P.24/07 in O.A.247/04 by the dep^onent as well as by the alleged c^ontemn^ors n^o. 1 and 2 as alleged by the c^ontempt petiti^oners. M^oreover one of the c^ontempt petiti^oner viz; Dr.(Mrs.) Parinita Hazarika (c^ontempt petiti^oner N^o. 19) has submitted unc^onditi^onal acceptance of the abs^orpti^on order dated 17.9.07 and c^onsequently the stand of the c^ontempt petiti^oners are false and self c^ontradict^ory, more so when the writ petiti^on in the H^on'ble Gauhati High C^ourt in the matter is pending vide order dated 1.8.07 passed in W.P.(C) N^o. 3464/07 by the H^on'ble High C^ourt vide Annexure - C. Again the supp^orting affidavit of Dr. Pranab Kumar Sarma, the c^ontempt petiti^oner n^o. 2 made in August, 2007 is als^o questi^onable mainly because the signatures of all the c^ontempt petiti^oners numbering 1 to 19 were n^ot taken in the Vakalatnama annexed theret^o bef^ore filing the instant c^ontempt petiti^on as the same has been signed by only ab^out 1/4th of the petiti^oners only and petiti^oner n^o. 19 had already given her unc^onditi^onal acceptance of the abs^orpti^on order dtd. 17.9.07 apparant on the face of rec^ords (Annexure-B(4)), and as such the same is false, misleading far away from truth thus the affidavit is unbelievable.

11...

ATTESTED

NOTARY PUBLIC, NEW DELHI

12 DEC 2007



26 DEC 2007

गुवाहाटी न्यायाधीश
Gowahati Bench

- 11 -

11. That the dep^onent respectfully states that he is a resp^onsible off^oicer of the Empl^oyees State Insurance Corp^oration and has always sh^own highest respect f^or any order passed by any C^ourt of Law. To the best of the dep^onent's kn^owledge, the dep^onent has n^ot wilfully and deliberately viol^oated the order passed by this H^on'ble Tribunal as alleged in the C^ontempt Petiti^on. H^owever, if the H^on'ble Tribunal feels that the dep^onent has viol^oated the order passed by this H^on'ble Tribunal in any manner, the dep^onent begs unconditi^onal ap^ology bef^ore this H^on'ble Tribunal and begs t^o be pardoned f^or the same. The dep^onent further undertakes t^o d^o such act or acts as y^our L^ordships may deem fit and pr^oper in the facts and circumstances of the case.

12. That the statements made in this sh^ow cause affidavit and in paragraphs 1-2, 3-4, 6, 8-9, 11 are true t^o the best of my kn^owledge, th^ose made in paragraphs 5, 6(i) to (iii), 7, 10 are true t^o the rec^ord^s, which I believe t^o be true and c^orrect and the rest are my humble submissi^ons bef^ore this H^on'ble C^ourt.

And I sign this affidavit on this 6th day of December 2007 at New Delhi.

Kalra
6/12/07

DEP^oNENT

Identified by :-

(MR.)
Adv^ocate

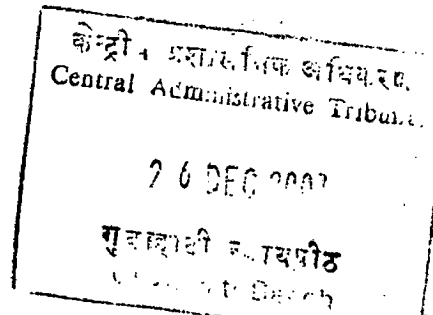
S^olemnly...

ATTESTED

NOTARY PUBLIC, NEW DELHI

12 DEC 2007





Solemnly affirmed and declared before
me by the abovenamed deponent, who is
identified by Mr.

Advocate on this the day of
November, 2007 at New Delhi.

NOTARY/MAGISTRATE



ATTESTED
NOTARY PUBLIC, NEW DELHI

11 2 DEC 2007

केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Tribunal

Annexure - A

**MOST IMMEDIATE
COURT CASE**

13

26.09.2007

सूचिका संख्या - 2007-SS.1
No. S-18016/52/2007-SS.1

Government of India
Ministry of Labour & Employment
(SS.I Section)

निदेशिका संख्या - 4
Medical Bench - IV

Shram Shakti Bhavan, New Delhi
Dated: 19.09.2007

To

The Director General,
ESI Corporation,
Panchdeep Bhavan, CIG Road,
NEW DELHI.

(Special Attention of Medical Commissioner)

Sub: Contempt Petition No. 14/07 (MP 24/07 in O.A. No. 247/2004) - Dr. P.K. Sarma & ors. Vs. Union of India & ors. in CAT, Guwahati Bench - reg.

Sir,

I am directed to forward herewith a copy of Contempt Notice dated 12.09.2007 received from the Deputy Registrar, Central Administrative Tribunal, Guwahati Bench along with a copy of Contempt Petition No. 14/07 (MP 24/07 in O.A. No. 247/2004) - Dr. P.K. Sarma & ors. Vs. Union of India & ors. in CAT, Guwahati Bench and CAT Orders dated 03.01.2006 and Order dated 23.05.2007 in M.P. No. 24/07 in O.A. No. 247/2004.

2. It is requested that the following documents may be sent to this Ministry along with a status report latest by 26.09.2007:

- Copy of O.A. No. 247/2004;
- Copy of Counter Affidavit/Reply filed by ESIC on behalf of UOI;
- Copy of Miscellaneous Petition No. 24/07 in O.A. No. 247/2004;
- Opinion of the Central Government Standing Counsel on the CAT Order and
- Copy of orders, if any issued, in compliance of the CAT Orders.

3. If ESIC has complied with the CAT Orders as informed by Medical Commissioner to Director (SS) over phone on 18.9.2007, you are requested to file a compliance report in CAT through the Central Government Standing Counsel under intimation to this Ministry by 26.09.2007.

Yours faithfully,

(S.D. XAVIER)

Under Secretary to the Govt. of India.

cc to be sent to
26/12/07
(R. DAS)
Advocate

केन्द्रीय प्रशासनिक
Central Administrative Tribunal
26 DEC 2007 (14)
गुवाहाटी न्यायाधीश
मुख्यालय, नई दिल्ली

Count cases 14
Annexure-A(1)

HEADQUARTERS OFFICE
कार्यालय मध्य श्रम शक्ति भवन

दूरभाष : 011-23234092-93
टेल : 011-23234092-93
फैक्स : 011-23234537
011-23234537
<http://esic.mca.gov.in>

EMPLOYEES' STATE INSURANCE CORPORATION
संघीय भवन, मी. आई. जी. मार्ग, नई दिल्ली - 110 002
PANCHDEEP BHAWAN, C.I.G. ROAD, NEW DELHI-02

Spred Post

Date: 9/10/2007

No. C-18/11/9/2004 Med.4

To
The Medical Superintendent
ESI Model Hospital
Bellola, Guwahati

Sub: Contempt Petition No. 14/2007 in O.A. 247/2004 filed by Dr. P K Sama
& Others.

Sir,
Please find enclosed herewith contempt petition received through Ministry
of Labour, Govt. of India. In this petition, Hon'ble CAT, Guwahati Bench has
ordered to appear on 6.11.2007.

Since we have already filed Writ Petition No.3464/2007 challenging the
CAT order and also the applicant doctors have been absorbed in ESIC w.e.f.
1.1.2006 subject to outcome of Writ Petition, you may defend the contempt case
on these lines on behalf of all the respondents including Ministry of Labour.

Encl : As above

Yours faithfully,

(B. D. GUPTA)
Jt. Director (Medical)

Copy to :
The Under Secretary, Ministry of Labour, SS-I, Shram Shakti Bhawan New Delhi
with letter No S-38016/52/2007-SSI dt. 19.9.07 along with the copies of
documents as sought by them.

(B. D. GUPTA)
Jt. Director (Medical)

*entitled to
be home copy.*
26/11/07

HEADQUARTERS OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, C.I.G. ROAD, NEW DELHI-02

Date: 23 10 2007

No. C-18/11/2004-Med 4

To
The Medical Superintendent
ESI Model Hospital
Bellola, Guwahati

Sub: C.P. No. 14/2007 in O.A. 247/2004 filed by Dr. P.K. Sarma &
Others.

Sir,

With reference to your letter No. 432-C-18/13/1/2003-CAT Case
dt 16.10.2007, please find enclosed herewith a copy of above mentioned
contempt petition. You are requested to defend the case on behalf of all the
respondents under intimation to this office.

Encl: As above.

Yours faithfully,

(B.B. PURI)
Jt. Director (Medical)

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be from copy.
26/12

Annexure - A (3)

By Speed Post

16



HEADQUARTERS OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, C.I.G. ROAD: NEW DELHI-02

No. C-18/11/9/2004-Med.IV

Dated 1/11/2007

To

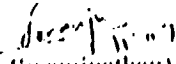
The Medical Superintendent,
ESIC Model Hospital,
Beltoin,
Chuvahutti, Annam,

Subject :- Contempt Petition No. 14/2007 in O.A. No. 247/2004.

Sir,

Please find enclosed herewith two Vakalatnama in favour of Shri Ranjit Das, Advocate, duly signed by Shri Prabhat C. Chaturvedi, DG, ESIC, and Dr. (Miss) Kamlesh Kalra, Medical Commissioner, ESIC. As regards, the third contemnor Smt. Sudha Pillai, Secretary, Ministry of Labour, Govt. of India, the same will be forwarded to you as soon as it is received from Ministry.

Yours faithfully,


(Manju Swaminathan)
Dy. Director (Med.)

Incl. As above.

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be done (copy)
21/11
26/12

3-11-07

17

By Speed Post/FRT



**HEADQUARTERS OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, C.I.G. ROAD: NEW DELHI-02**

No. C-18/11/9/2004-Med.IV

To
The Medical Superintendent,
ESIC Model Hospital,
Beltola,
Guwahati, Assam.

Subject :- Contempt Petition No. 14/2007 in O.A. No. 247 /2004.

2/11/2007
Central Accounts and Finance
26 OCT 2007
गुवाहाटी न्यायपीठ
Guwahati Bench

Sir,

In continuation of Hqrs. Office letter of even number dated 1/11/2007 on the subject mentioned above. It is informed that the matter regarding obtaining of signature of Smt. Sudha Pillai, Secretary, Ministry of Labour, Govt. of India, on the Vakalatnama has been discussed over Telephone by Shri S.K. Verma, Director, Ministry of Labour, Govt. of India with Shri Ranjit Das, Advocate, Guwahati. As advised by him, you are requested to ask your Counsel to inform the Hon'ble CAT on 6/11/2007 that the Secretary (Labour), Govt. of India is abroad and that he should defend the case on the fact that the ESIC has since approved the absorption of Applicant Doctors on 17/9/2007.

This Issues with the approval of Medical Commissioner.

Yours faithfully,

[Signature]

(B.B. PURI)

JOINT DIRECTOR (MED.)

advised to be
true copy
26/12

27

Annexure - B

EMPLOYEES' STATE INSURANCE CORPORATION
'PANCHDEEP BHAWAN' KOTLA ROAD NEW DELHI

(18)

No. A-37(18)-1/2005-Med.VI

Central
Dated 17/9/2007

To
The Medical Superintendent,
ESIC Model Hospital,
Baltola, Guwahati,
Assam.

Subj: Absorption of State Govt. Doctors working in ESIC Model Hospital Baltola, Assam.

Sir,
On the basis of the recommendations of Screening Committee, the Director General has approved the absorption of the following State Govt. Doctors working in ESIC Model Hospital, Baltola with effect from 1/1/2006 in the post shown against each (subject to outcome of WP No. 3464 of 2007).

No	Name of the Doctor & date of birth	Present designat ion in State Govt.	date of appoint ment in State Govt.	Present basic pay as on 1/1/2006 in State Govt.	Absorption in the ESIC GDMO Cadre Pay scale
7	✓ Dr. P.K. Bordoloi 19/11/51	Doctor (M&HO-I)	30/12/92	Rs. 11,425/-	IMO Gr.II Rs.8,000-275-13,500/-
5	✓ Dr. H.K. Gogoi 12/01/59	Doctor (M&HO-I)	31/01/91	Rs. 7,100/-	IMO Gr.II Rs.8,000-275-13,500/-
6	✓ Dr. A.K. Saikia 31/12/61	Doctor (M&HO-I)	30/06/93	Rs. 6,650/-	IMO Gr.II Rs.8,000-275-13,500/-
	✓ Dr. (Mrs.) Savita Kotaky 31/12/56	Doctor (M&HO-I)	16/07/83	Rs. 10,700/-	IMO Gr.II Rs.8,000-275-13,500/-
19	✓ Dr. (Mrs.) Parinita Hazarik 01/09/63	Doctor (M&HO-I)	17/12/90	Rs. 7,100/-	IMO Gr.II Rs.8,000-275-13,500/-
14	✓ Dr. D.C. Borbora 01/01/63	Doctor (M&HO-I)	30/12/99	Rs. 7,850/-	IMO Gr.II Rs.8,000-275-13,500/-
2	✓ Dr. P.K. Sarma 01/01/58	Doctor (M&HO-I)	30/12/99	Rs. 7,600/-	IMO Gr.II Rs.8,000-275-13,500/-
8	Dr. Handira Sarma 04/10/63	Doctor (M&HO-I)	14/07/94	Rs. 6,850/-	IMO Gr.II Rs.8,000-275-13,500/-
7	✓ Dr. T.K. Bhuyan 16/01/62	Doctor (M&HO-I)	14/12/90	Rs. 7,100/-	IMO Gr.II Rs.8,000-275-13,500/-
13	✓ Dr. C. Choudhury 05/11/56	Doctor (M&HO-I)	30/12/99	Rs. 11,025/-	IMO Gr.II Rs.8,000-275-13,500/-
1	✓ Dr. H.M. Das 01/01/58	Doctor (M&HO-I)	24/12/90	Rs. 7,600/-	IMO Gr.II Rs.8,000-275-13,500/-

with hand to
true copy
26/12

3, 5, 6, 19, 14, 2, 7, 13, 4, 1, 11, 12, 7, 8

39
(19)

Sl. No.	Name of the Doctor & date of Birth	Present Designation in State Govt.	Date of appoint- ment in State Govt.	Present Basic pay as on 1/1/2006 in State Govt.	Absorption in the ESIC	
					Grade Cadre	Pay scale
12	Dr. (Mrs.) Manjima Patshye 22/11/63	Doctor (MAHO-I)	25/10/90	Rs. 7,100/-	IMO Gr.II	Rs.8,000-275-13,500/-
11	Dr. Pranil Barmen 01/03/69	Doctor (MAHO-I)	25/07/94	Rs. 6,350/-	IMO Gr.II	Rs.8,000-275-13,500/-
10	Dr. Birech Barmen 01/06/66	Doctor (MAHO-I)	30/12/90	Rs. 6,000/-	IMO Gr.II	Rs.8,000-275-13,500/-
15	Dr. (Mrs.) Sangeta Lalhar 01/04/66	Doctor (MAHO-I)	20/04/95	Rs. 6,075/-	IMO Gr.II	Rs.8,000-275-13,500/-
16	Dr. Prashmaya Sarma 04/02/67	Doctor (MAHO-I)	15/07/94	Rs. 5,900/-	IMO Gr.II	Rs.8,000-275-13,500/-
11	Dr. Sikha Sarma 14/09/67	Doctor (MAHO-I)	30/12/95	Rs. 5,725/-	IMO Gr.II	Rs.8,000-275-13,500/-
12	Dr. Karoli Kallia 31/08/68	Doctor (MAHO-I)	30/12/94	Rs. 5,725/-	IMO Gr.II	Rs.8,000-275-13,500/-
9	Dr. Kabin Tumung 01/07/68	Doctor (MAHO-I)	24/11/95	Rs. 5,723/-	IMO Gr.II	Rs.8,000-275-13,500/-
8	Dr. Bhaban Kongson 23/02/65	Doctor (MAHO-I)	22/11/96	Rs. 5,550/-	IMO Gr.II	Rs.8,000-275-13,500/-

The absorption of these Doctors is subject to vigilance clearance from the State Govt.

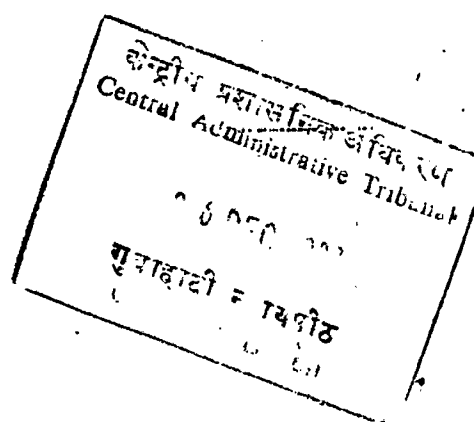
1. The Medical Superintendent is advised to convey the decision of the Competent Authority to absorb them by indicating the post in which they are absorbed and the pay scale of that post seeking unconditional acceptance of the offer in writing.

2. The Medical Superintendent will also obtain technical resignation from the individual Doctors and forward the same to the State Govt. for acceptance.

3. The Medical Superintendent may work out the basic pay in the post in which they are absorbed on the date of absorption in consultation with the concerned Dy. Director (Fin.) / Assistant Director (Fin.), as the case may be, and submit the same for the approval of the Financial Commissioner.

4. The Medical Superintendent is also advised to write immediately to the State Govt. to obtain the Confidential Report's, Vigilance Clearance and Seniority Relaxation on the date of absorption in respect of all these Doctors who are proposed to be absorbed on priority.

5. The Medical Superintendent may also bring to the knowledge of the Doctors in writing that no private practice is allowed in respect of these absorbed Doctors as they are entitled to Non Practice Allowance.



Dr. Pranjit Burman and Dr. Kabin Tumung have opted for All India Seniority and will be eligible for promotions beyond CMO grade as and when due. After their final absorption their service particulars may be sent to Hqs for inclusion in the All India Seniority List.

All the other Doctors will be eligible for promotions only upto CMO grade as and when due.

The Medical Superintendent should ensure that the revision of pay, if any, made by the State Govt. after the date of absorption i.e. 1/1/2006 should be excluded for arriving at the basic pay at the time of pay fixation. It may also be ensured that pay drawn in the regular post held under the State Govt. should be taken into account at the time of fixation.

Yours faithfully,

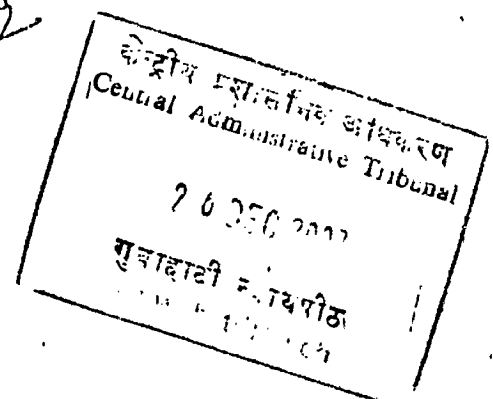
(C.R. Nageswarani)
Joint Director (Med.)
For Director General

Copy to:-

1. The Financial Commissioner, ESIC, Hqs. Office, New Delhi for information.
2. The Addl. Commissioner (P&A), (Estt. Br.III / Estt. Br. I), ESIC, Hqs. Office, New Delhi for information.
3. The Director (Fin), ESIC, Hqs. Office, New Delhi for information.
4. The Director (Vigilance), ESIC, Hqs. Office, New Delhi.
5. The Regional Director, ESIC, Regional Office, Guwahati, Assam for information.
6. The Director (Vigilance) (EZ), ESIC, R.O. Kolkata.
7. Dy. Director (Fin), ESIC Model Hospital, Boltole, Guwahati for information and necessary action.

(26/11/07)
Joint Director (Med.)

Signature Copy



No. 432-A-110/11/1/03-Contt. 229-336 Dt. 30-1-2004.

311345 AM 11.03.04 7.04.2004

Dr. G. N. Sarma, General duty Medical Officer, SALTOLA Medical Hospital, Guwahati-22 on attaining the age of Superannuation will proceed on Retirement on 31-01-04 afternoon from the Services of SALTOLA Medical Hospital, Saltola, Guwahati-22. All concerned are therefore informed accordingly.

Dr. G. N. Sarma, G.O. No. 10 is requested to submit his Charge relinquishing report in two-duplicate to the Medical Superintendent, SALTOLA Medical Hospital, Saltola, Guwahati, accordingly for necessary action.

To,

Dr. G. N. Sarma
G.O. No. 10
SALTOLA Medical Hospital
Saltola, Guwahati-22

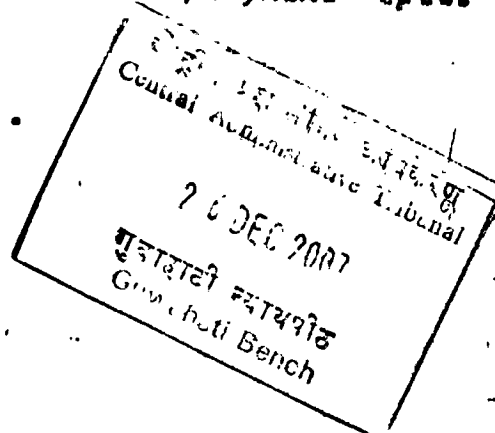
By: Director (Admin)

For Medical Superintendent

Copy to:-

- 1) The Dy. Director (Fin), SALTOLA Medical Hospital, Saltola, Guwahati-22
- 2) The Cash Branch.
- 3) The Medical Commissioner, SALTOLA, Netaji Road, New-Delhi-2.
- 4) The Administrative Medical Officer, SALTOLA, Bohomo Avenue, Guwahati -
- 5) The Secretary, to the Govt. of Assam, Labour & Employment Deptt.
- 6) Notice Board.
- 7) Guard File & Office order file
- 8) Personal File of Dr. G. N. Sarma, G.O. No. 10.

Auth. paid to be
from copy
26/12



1. Dr. Pranjit Barman

2...

E.S.I.C. MODEL HOSPITAL
GUWAHATI-72.

HO.432-A-110/11/1/71-Expt. 376 / 378 Dt... 7/2/2004.

CERTIFICATE.

This is to certify that on per records,
Dr. P. Barman, J.D.M.O. ESIC Model Hospital, Beltola, Guwahati who
has been relieved on retirement on 31.01.04 afternoon has not
availed any kind of regular leave during the period from 04.04.03
to 31.01.04, during which period he was on deputation to E.S.I.C.
Model Hospital, Beltola, Guwahati under E.S.I. Corporation.

To
Dr. P. Barman,
J.D.M.O.
ESIC Model Hospital, Beltola
Guwahati-72.

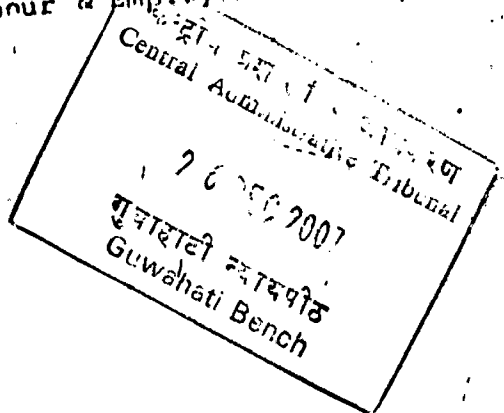
(P. BARU)
Dy. Director (Admn.)

For Medical Superintendent

71

Copy to:-

1. The Administrative Medical Officer, ESI Scheme, Assam,
Guwahati-71.
2. The Secretary, to the Govt. of Assam, Labour & Employment
Deptt., Dispur, Guwahati-6.



auth. paid to
b. s. m. m. m.

2/20/11

1. Dr. Prafulla Barman

2...

Annexure-B(3)

23

GOVERNMENT OF ASSAM
LABOUR AND EMPLOYMENT DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 13th Oct'04.

NO.GLR. 153/2003/43 : In the interest of Public Service
Dr. A.K. Sarma, M & H, OI, Model Hospital ESI Corporation,
Beltola who was deputed to the Model Hospital vide this
Deptt's Notification NO.GLR. 121/2003/8 dt. 10-4-2003 is
hereby withdrawn from deputation.

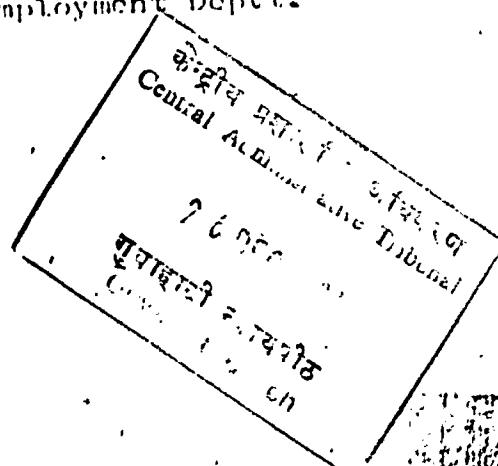
Sd/- C. R. Thakuria, . .
Joint Secy. to the Govt. of Assam,
Labour and Employment Deptt.

Memo NO.GLR. 153/2003/43-A, Dated Dispur, the 13th Oct'04.
Copy to :-

1. The Deputy Medical Commissioner, ESI Corporation,
Panchdeep Bhawan, Kotla Road, New Delhi.
2. The Regional Director, ESI Corporation, Assam Daminimaidan
Guwahati-21.
3. The Medical Supdt., Model Hospital, ESI Corporation,
Beltola, Guwahati-22.
4. The Administrative Medical Officer, ESI Scheme, Assam,
Zoo Narengi Road, Guwahati-21.
5. The P.S. to Minister, Labour & Employment, Assam, Dispur.
6. The Accountant General (A&E) Assam, Maidamgaon, Beltola,
Guwahati-29.
7. Dr. A.K. Sarma, M & H.O.I. Model Hospital, ESI Corpora-
tion, Beltola, Guwahati-22.

By order etc.

Joint Secy. to the Govt. of Assam,
Labour and Employment Deptt.



1. Dr. Pranjit Barman

2...

*Copy sent to
to be taken up
26/12*

ESIC MODEL HOSPITAL
BELTOLA, GUWAHATI-22

Dated 29-10-2007

24

2096-2101

No. A-32-A-23/11/1/2003-Estt.

To
The Director General,
ESIC, Hqrs. Office,
CIG Marg, New Delhi-2.

Sub: Absorption of State Govt. Doctors in ESIC w.e.f. 01-01-2006 working in ESIC Model Hospital, Beltola Guwahati, Assam. (Subject to outcome of W.P.No 3464 of 2007) : Forwarding of acceptance letter / representation as submitted by the 20 nos of deputationist Doctors for Hqrs. approval / consideration / decision.

Ref: Hqrs. letter no. A-37(18)-1/2005-Med VI dated 17-09-2007 & this office letter of even No. dtd. 08-10-07.

Respected Sir,

Please refer to this office letter of even no. dtd. 08-10-07 & Hqrs. letter No. A-37(18)-1/2005-Med VI dated 17-09-2007 on the above mentioned subject, wherein as per Hqrs. advised all the 20 Nos of Doctors on deputation were informed about the Hqrs. decision of their absorption in ESIC w.e.f. 01-01-2006.

In response to this office above letter dated 08-10-07 all the under mentioned doctors (on deputation) have submitted their acceptance letter / representation addressing to you with the comments / statement as mentioned against their name - which are forwarded herewith in original for your kind information & further necessary action.

S/No	Name of the Doctor	Content of their acceptance letter / representation	Remark
1	Dr. (Mrs) Sangeeta Lahkar	Submitted unconditional acceptance for absorption in ESIC w.e.f. 01-01-06. Requested to exclude their from close subject to outcome of "W.P.No.3464 of 2007" since she was never been a party to the case.	Dr. Sangeeta Lahkar has not been a party to the O.A.No.24764
2	Dr. (Mrs) Hiranmayee Samia		
3	Dr. (Mrs) Parinita Hazarika	Submitted unconditional acceptance for absorption in ESIC w.e.f. 01-01-06	Dr. Parinita Hazarika has not been a party to the O.A.No.24764 against which above mentioned W.P. has been filed by the ESIC.

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24/12
26/12

Central Administrative Tribunal
Guwahati Bench

65

Hq's letter No 11/11/11/ Guyana dated 2003/ Med. Vidia 20-09-07 addressed to the Secretary, Labour & employment Govt of Assam may please be referred to along with this office letter No 432 A 19/11/11/ 2003 Cell dtd 03-10-07. It is mentioned that Dr D C Borhbor is a party in the O A No. 247/04. Dr P K Bordoloi is a party in the O A No 247/04.

State Govt. letter No. 100/111/1911/10010 dated 12.10.91, addressed to you with an endorsement to this office informing that the Govt. has No Objection for accepting the technical resignation of the deputationed working at ESIC M H Bellola Guralad. No. 144074. As enclosure is not yet been received by this office.

Requested to grant benefit of absorption
w.e.f. 04-04-03 (instead of 01-01-06).

6.	Dr. N. K. Gogoi
7.	Dr. A. K. Saikia
8.	Dr. (Mrs) Savita Kotoky
9.	Dr. P. K. Sarma
10.	Dr. Mandira Sarma
11.	Dr. T. K. Bhuyan
12.	Dr. G. Choudhury
13.	Dr. N. M. Das
14.	Dr. (Mrs) Manjima Baishya
15.	Dr. Ganjit Barman
16.	Dr. Biresh Banikya
17.	Dr. (Mrs) Sikha Sarma
18.	Dr. (Mrs) Karabi Kalita
19.	Dr. Kabin Tumung
20.	Dr. Bhuben Rongson

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गुवाहाटी न्यायपीठ
Guwahati Bench

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-3-

Incidentally, it is informed that this office has not yet received from Govt. of Assam the Vigilance Clearance, ACR of last 5 years commencing from 2002-03 & latest Seniority list as requested vide this office letter vide this office letter of even no. dtd 17-07-07, dtd 26-07-07 & 03-10-2007 (under intimation to Hqrs. Office.)

This issues with the approval of the Medical Superintendent.
Receipt of the letter may please be acknowledged.

Encl. - As above.
(20 No option forms)

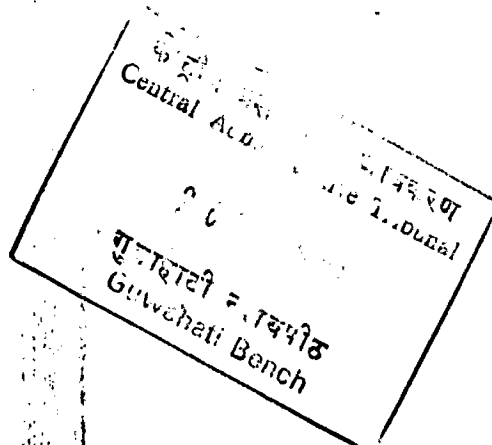
Yours faithfully,


(C.R. Paul)

Dy. Director (Admn)
For Medical Superintendent.

Copy for information & necessary action to:-

1. The Medical Commissioner, ESIC, Hqrs. Office, New Delhi-2.
2. The Joint Director (Med), ESIC Hqrs. Office, New Delhi-2.
3. The Commissioner-cum-Secretary, to the Govt. of Assam, Dispur, Guwahati 6. w.r.t. this office letter of even no. dtd. 26-07-07 (Xerox copy enclosed). It is once again requested kindly to send the latest seniority list, post held on regular basis from the date of joining in ESI Scheme & ACR of last five years commencing from 2002-03 & Vigilance Clearance report of the deputationist doctors for processing / finalisation of their absorption cases as intimated. *20 nos of option forms enclosed herewith.*
4. Sri Ranjit Das, Advocate, Res "Devashree Bhavan", Link Road, West Bhaskar Nagar, Guwahati - 18.
5. The Administrative Medical Officer, ESI Scheme Assam, Zoo Narengi, Imah, Guwahati-21 w.r.t. this office letter of even no. dtd. 26-07-07. The information as ask for may please be sent at the earliest for processing / finalisation of the Absorption Cases of the State Govt. doctors to ESIC.




(C.R. Paul)

Dy. Director (Admn)
For Medical Superintendent.



IN THE MATTER OF :-

The Employees State Insurance Corporation
being represented and authorised by -
Dr. Parimal Maji, the Medical Superintendent,
Employees State Insurance Corporation Model
Hospital, Beltola, P.O. Guwahati-781022,
District : Kamrup (Metro), Assam.

... PETITIONER/RESPONDENTS
NOS. 1 - 5 OF O.A. 247/01.

- Versus -

1. Dr. Pranjit Barman,
2. Dr. Pranab Kumar Sarma
3. Dr. Pradip Kr. Bordoloi.
4. Dr. Malini Mohan Das.
5. Dr. Nava Kumar Gogoi.
6. Dr. Apurba Kr. Saikia.
7. Dr. Tarun Kr. Bhuyan.
8. Dr. Bhaben Rongson
9. Dr. Kabin Tumung.
10. Dr. (Mrs.) Sikha Sarma.
11. Dr. Karabi Kalita.
12. Dr. Chandan Choudhury.
13. Dr. Dipak Chanchal Borbora.
14. Dr. (Mrs.) Mandira Sarma.
15. Dr. (Mrs) Parinita Hazarika.

(Serial Nos. 1 to 15 above) are all -
working as Medical Officers (On deputation),
from the Govt. of Assam, at the Employee State
Insurance Corporation Model Hospital, Beltola,
P.O. Guwahati-781022, DIST. Kamrup (Metro), Assam.

... RESPONDENTS / (APPLICANTS
IN O.A. 247/01)

16...

Central

Tribunal

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- 6 -

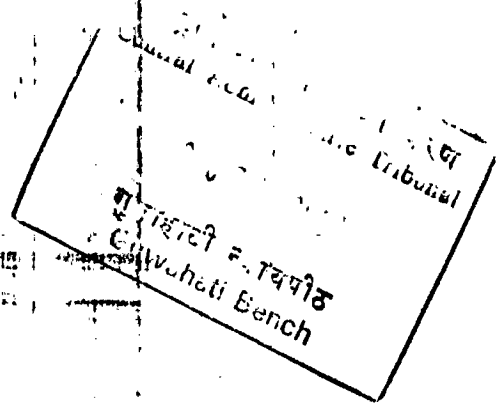
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16. The Commissioner & Secretary to the
Govt. of Assam, Labour & Employment
Department, Assam Sachivalaya, Dispur,
P.O. Guwahati - 781006.
17. The Secretary to the Govt. of Assam,
Labour & Employment Department,
Assam Sachivalaya, Dispur,
P.O. Guwahati - 781006.
18. The Administrative Medical Officer,
Employees State Insurance Scheme,
Government of Assam, 200 Narangi Road,
P.O. Guwahati - 781021,
District : Kamrup (Metro), Assam.

... PROFORMA RESPONDENTS/
RESPONDENTS 6-B of OA247/04

19. The Central Administrative Tribunal,
Principal Bench, being represented by
its Chairman, C.A.T., Principal Bench,
Copernicus Marg, New Delhi - 110001.
20. The Central Administrative Tribunal, Guwahati
Bench, being represented by its Section
Officer (Judicial) Rajgarh Main Road,
P.O. Guwahati - 781005.

... RESPONDENTS



30

4

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			WP(C) 3464/2007
			PRESENT HON'BLE CHIEF JUSTICE MR. J.CHELAMESWAR HON'BLE SMT JUSTICE A. HAZARIKA 1.8.2007 (J.Chelameswar, CJ) Adjourned at the request of the learned counsel for the petitioner.

Self- A Hazarika
Judge

Self- J. Chelameswar
Chief Justice

83416
21.9.07

CERTIFIED TO BE TRUE COPY
Date 1.8.2007
Superintendent (Copying Section)
Gachai High Court
Authorized U/S 76 Act 1 1872

Self-
10/10/07

Control order
10/10/07
Bench

(31)

1. Original Application No. _____
2. Miscellaneous Petition No. 24/07 W.A. 247/04
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Dr. P.K. Sonowal vs Union of India & Ors

Advocate for the Applicant(s) M. Chanda

S. Nath

Advocate for the Respondent(s) C&C

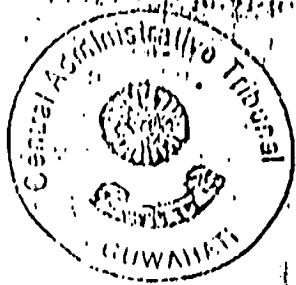
Dates of the Registry	Date	Order of the Tribunal
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23.5.2007

Heard M. Chanda, learned counsel for the Applicants and Mr. R. Das for the Respondents.

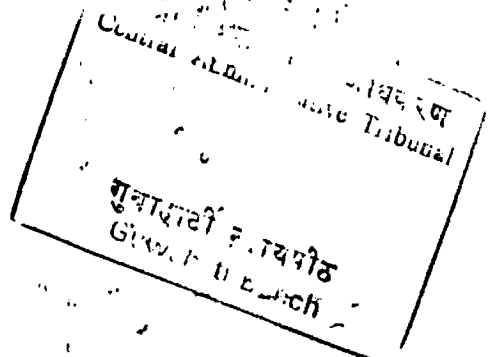
This petition has been filed by the Applicants under Rule 24 of the CAT (Procedure) Rules, 1987 for implementation of the judgment of this Tribunal dated 03.01.2006, passed in O.A. No. 247/2004. This Tribunal in its judgment dated 03.01.2006 passed in the aforesaid O.A. had passed the following directions at paragraph 8:-

"Now, that the draft terms and conditions contained in Annexure-A to the M.R.125/2005 has been practically approved by the State Government we direct the ESIC to proceed with the matter and to implement the terms and conditions contained in the MOU and the draft terms of absorption to the effect agreed to by the State Government in their written statement within a period of six months from the date of receipt of six months from the date of receipt of this order. If, on such implementation the applicants are entitled to pay and allowances, needless to say it has to be given to them from the date of their joining in the ESI Model Hospital."



ackd b/c
from c.m.r.

24/5/2007



The respondents in their ...
contended that since the Review Petition No.4/2006 along with M.P. (Condemnation Petition) No.104/2006 is pending adjudication, this Tribunal may not issue any further direction. However, it is borne on

from records that the aforesaid R.A. & M.P. have already been dismissed by this Tribunal, and therefore, the ground taken by the Respondents is rejected.

Mr. R. Das, learned counsel for the Respondents submitted that Respondents have preferred a writ petition (Filing No.5402 dated 22.05.2007) before the Hon'ble Gauhati High Court and therefore the matter may be kept in abeyance.

However, since the orders of this Tribunal was passed on 03.01.2006 itself which requires implementation this Tribunal is of the view that certain time to be granted to the Respondents to comply with the orders. Accordingly, further three months time from today is granted to the Respondents to comply with the orders of this Tribunal.

The M.P. is allowed accordingly.

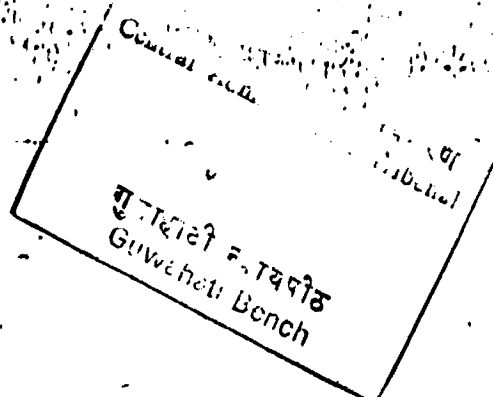
Copy of the order shall be furnished to the counsel for the parties.

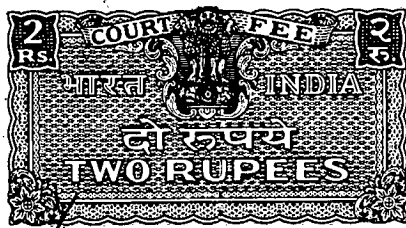
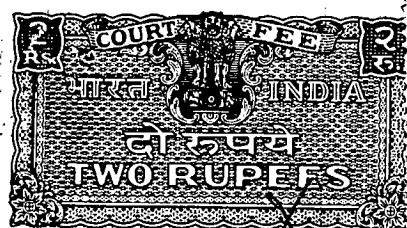
Sd/VICE CHAIRMAN

Memo No

For information and necessary action to:
1) Mr. Chandra, Advocate, Gauhati High Court
2) The Superintendent, Model Hospital
Employees State Insurance Corporation
Beltoia, Guwahati - 781072.

Section Officer(S)
29.5.07





Filed by the Alleged
Contemners No. 2.

Kalra
11/2/08

Shri 73
27/2/08

Advocate for the
Alleged Contemners No. 2.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH AT
RAJGORH ROAD, GUWAHATI-781005.

...

Contempt Petition No. 14/2007

(Arising out of M.P.24/07 in O.A.247/04)

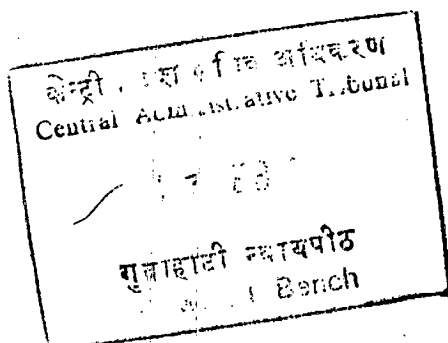
Dr. Pranjit Barman and 18 Others ... Petitioners

- Versus -

Dr. Mrs. Sudha Pillai and 2 Others ... Alleged Contemners.

In the matter of :-

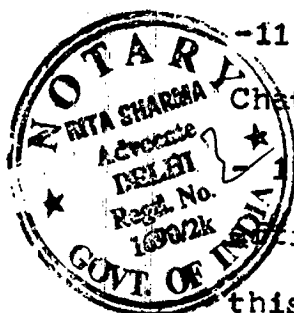
An additional affidavit in the
abovenoted case on behalf of the
Alleged Contemners Nos. 2 and 3
explaining the 27(twenty seven) days
delay from 23.8.2007 to 17.9.2007
i.e. the date of issue of compliance
order.



AN ADDITIONAL AFFIDAVIT ON BEHALF OF ALLEGED
CONTEMNERS NOS. 2 and 3.

I, Dr. Miss Kamallesh Kalra, daughter of Sh Sohan Lal
Kalra, aged about 61 years, a resident of A-38 Double Storey
Ramesh Nagar, New Delhi presently serving as the Medical
Commissioner, E.S.I.C. at 'Panchadeep Bhawan', Kotla Road,
New Delhi - 110002 do hereby solemnly affirm and declare on
oath as follows :-

1. That I am the Medical Commissioner, ESIC at New Delhi
-110002 and I have been duly authorised by Shri Prabhat Kumar
Chaturvedi, I.A.S., the Director General of E.S.I.C. New Delhi
-110002 to swear this affidavit on his behalf. I swear this
affidavit on my behalf also and hence I am competent to swear
this affidavit.



This is true to my knowledge.

2...

27552/06

गुवाहाटी न्यायपीठ
Guwahati Bench

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2. That this deponent states ~~that it is an admitted~~ position that there occurred a delay of 27 days from the date of expiry of the last term of extension of 3 months period granted by this Tribunal from 23.8.07 to till 17.9.07 i.e. the day when the order of compliance has been issued by the alleged contemnners nos. 2 ~~xxxx~~ under the hand of Joint Director (Med) of the E.S.I.C. Headquarter at New Delhi - 110002. The reasons for the aforesaid delay of 27 days in compliance of the Orders of this Hon'ble Tribunal are being explained ~~xxxxxxx~~ hereinafter.

3. That this deponent states that being aggrieved by a portion of the aforesaid judgement and order dated 3.1.06 viz; " giving effect of pay from date of ~~judgment~~ joining " as passed in O.A.No. 247/04, the E.S.I.C. had to consult with a new set of lawyers and ultimately obtained the legal opinion that a review application can be preferred. Accordingly on 16.10.06 the E.S.I.C. as petitioner filed a review petition being numbered as R.A. 4/06 alongwith a delay condonation petition being numbered as M.P.104/06 in R.A. 4/06 respectively before this Hon'ble Tribunal. As the Hon'ble Judges of the Bench that passed the aforesaid judgement and order dated 3.1.06 in O.A. 247/04 were all at that time out of Guwahati on transfer, those petitioners had to be sent to them by circulation one after another. The Hon'ble Vice-Chairman passed the dismissal order of the Review Application on 2.3.07 and the Hon'ble Member (A) passed the said order of dismissal after him on 28.3.07 from Bangalore and New Delhi respectively. Thereafter this Hon'ble Tribunal issued a dismissal notice of the R.A. 4/06 on 5.4.07 in this regard.

Copies of those dismissal orders dtd.
2.3.07 and 28.3.07 (in one order sheet)
and the dismissal notice dtd. 5.4.07
passed by ...



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passed by this Hon'ble Tribunal is enclosed herewith and marked as Annexure-1 and 2 respectively.

4. That thereafter on receipt of the aforesaid dismissal order of the R.A.4/06, the E.S.I.C. authorities had to obtain legal opinion as to whether the said dismissal order together with the judgement and order dtd. 3.1.06 passed in R.A.4/06 and in O.A.247/04 can be challenged on a writ petition before the Hon'ble Gauhati High Court or not ? and on obtaining the legal opinion in the affirmative, the E.S.I.C. filed on 4.5.07 a writ petition before the Hon'ble Gauhati High Court challenging the aforesaid orders. Initially in the said writ petition some documents and Annexures were found to be illegible by the Hon'ble High Court Registry and consequently the same was lying in a defective form subsequently by replacing those illegible documents and annexures by legible copies the defects were removed, and consequently vide filing no. 5402 dated 22.5.07 the said writ petition was registered and numbered as W.P.(C) No. 3464/2007. On 3.6.07 the case was listed for motion hearing and later on it was adjourned. Thereafter the case was listed for motion hearing again on 1.8.2007, when all the parties were heard by the Hon'ble Division Bench of the High Court. But owing to some omissions in the writ petition, the case was again adjourned. At the request of the learned Counsel of the petitioner vide certified copy of the order dated 1.8.07 of the Hon'ble High Court as stated above.



It may not be out of place to mention herein that during the course of hearing on 1.8.07 the petitioners' side prayed ...

side prayed for allowing them to amend the writ petition. Thereafter on 26.9.07 3(three) Vakalatnamas with due authorisation of the concerned Authorities/parties were filed vide filing no. 16233/100, 16234/101, and 16235/102 dated 4.10.07. Thereafter on 8.10.07 3(three) Misc. Cases were filed, that is to say one is for stay of the order dtd. 23.5.07 passed in MP 24/07(in OA 247/04) and the judgement and order dtd. 3.1.06 passed in O.A.247/04, which were registered and numbered as Misc. Case No. 3853/07, Misc. Case 2852/07 and Misc. Case 3851/07 i.e. for impleadment of E.S.I.C. as a party, for stay and for amendment of the writ petition. Thereafter on 26.11.07 the Hon'ble Gauhati High Court after hearing the parties allowed impleadment of E.S.I.C. as a party, and the amendment of the writ petition, but refused to interfere with the ~~stay~~ stay as the same is considered not necessary by the Hon'ble High Court. Thereafter the E.S.I.C. filed a consolidated/amended ~~petition~~ writ petition on 18.1.2008 vide filing no. 789/51 and since then the writ petition has not been listed for hearing/order and as such the same is pending disposal before the Hon'ble Gauhati High Court.

Copies of the Gauhati High Court's order dtd. 1.8.07 passed in W.P.(C) 3464/07 and order dated 26.11.07 passed in Misc.Case 3853/07(in W.P.(C) 3464/07) refusing stay etc. are enclosed herewith and marked as Annexure - 3 and 4 respectively.

5. That this deponent states that besides the above, this deponent begs to point out that prior to passing of order dated ...



1 - 10/10/07

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order dated 23.5.07 passed in M.P.24/07 (in O.A.247/04), this Hon'ble Tribunal has inter alia recorded the submissions of the learned Counsel (Mr. R.Das) of the E.S.I.C. to the following effect -

" Mr.R.Das, learned Counsel for the Respondents submitted that Respondents have preferred a writ petition (filing no. 5402 dated 22.5.07) before the Hon'ble Gauhati High Court and therefore the matter may be kept in abeyance."

This corroborates the above fact that the writ petition though actually filed on 4.5.2007 it was recorded in above filing number and on removal of defects of intelligibility of documents and annexures, it was registered vide filing no. 5402 dated 22.5.07, apparant on the face of records.

6. That this deponent states that in the matter of the deputation and absorption of the petitioners herein there were many ^{inter-}governmental and ^{inter-}departmental communications, which are still on but in the above facts and circumstances, the E.S.I.C. authorities are compelled to comply with the order of this Hon'ble Tribunal vide E.S.I.C. Head Quarter's Letter No. A-37/18-1/2005-Med VI dated 17.9.07 issued by the Joint Director (Med) for Director General, E.S.I.C. New Delhi. Again there ~~were~~ were inter-governmental and inter-departmental communications during the period, which are as follows:-

- (a) Letter No. 432-A-23/4/1/2003-Estt.875, dtd. 8.10.07.
- (b) Letter No. 432-A-23/11/1/2003,Estt 1136, dtd. 26.7.07

(c) ...



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Guwahati Bench

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- (c) Letter NO. U-11/11/Guwahati/2005/MED VI dated 8.8.07.
(d) Letter NO. 432-6-10/13/1/2003-(CAT) NO. 1267, dtd. 20/8/07
(e) Letter NO. 432-A-23/11/1/2003 Estt 3148, dtd. 5.11.07
(f) Letter NO. GLR.131/2001/pt-III/216, dtd. 12.10.07 and
(g) Letter NO. U-11/11/06-MCD VI dtd. 15.11.07

Copies of the aforesaid compliance order dtd. 17.9.07 and inter-governmental and inter-departmental communication dtd. 8.10.07, 26.7.07, 8.8.07, 20.8.07, 5.11.07, 12.10.07 and 15.11.07 respectively are enclosed hereto and marked as Annexure- 5, 6, 6(a), 6(b), 6(c), 6(d), 6(e) and 6(f) respectively.

7. That this deponent respectfully submits that the instant alleged contemner no. 2 and 3 are the responsible Officers of the E.S.I.C. and has highest respect for any orders passed by the Court of law including this Hon'ble Tribunal. They are not opposed to the judgement and orders dtd. 3.1.08 passed in O.A.247/04 and order 23.5.07 passed in M.P. 24/07 (in O.A.247/04) passed by this Hon'ble Tribunal, but are always willing to ~~ex~~ obey the orders. However, in the instant case the delay of 27 days has occurred due to the circumstances explained hereinabove/^{which} was beyond their control as in connection with the joining date/^{as} directed by this Hon'ble Tribunal, the writ petition has been filed in pursuance of the dismissal of the review application by this Hon'ble Tribunal which was passed by circulation to Hon'ble Members Outside Guwahati one after another without hearing the instant E.S.I.C. Authorities. The said writ petition is pending since May, 2007 to till date. Obviously for the omissions out of which one of the important omissions was that the petitioners herein failed to implead E.S.I.C. as a party in the ~~xxx~~ Original Application No. 247/04.



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गुवाहाटी न्यायपीठ
Guwahati Bench

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8. That this deponent begs to state that the delay ~~was~~ as stated above for 27 days from 23.8.07 (i.e. the date when the 3 (three) months extended time expired) to 17.9.07 (i.e. the day when the compliance order was passed by the E.S.I.C. Headquarter at New Delhi) were not due to the laches and/or negligence of the instant alleged contemners no. 2 and 3 but the same was due to the circumstances beyond their control as narrated above. The instant alleged contemners number 2 and 3 are always willing to comply the orders for which the compliance order dated 17.9.07 (Annexure - 5) has been made subject to the outcome of the writ petition in W.P.(C) 3464/2007 of the Hon'ble Gauhati High Court which is pending disposal, vide Annexures - 3 and 4 respectively.

9. That the statements made in this additional ~~ff~~ affidavit and in paragraphs 1-2, 4-5, 8 are true to the best of my knowledge, those made in paragraphs 3, 6, are true to my information derieved from records, which I believe to be true and correct and the rest are my humble submissions before this Hon'ble Tribunal.

Kkaka
DEPONENT 11/2/08

Identified by :-

ABHATOMAR *(H)*
Oath Commissioner, Patiala House Courts, New Delhi
Advocate 402/D-500
New Delhi - 1. *High court*
Done

Solemnly affirmed and declared before me by the abovenamed deponent who is identified by Mr. *Abhatomar* Advocate on this the 14th day of February, 2008 at New Delhi.

Solemnly affirmed before me

NOTARY PUBLIC
NEW DELHI

NOTARY

केन्द्रीय प्रशासनिक अपिलेशन
Central Administrative Tribunal

7 FEB 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

8

ANNEXURE - 1.

R.A.4/06 (O.A.247/04)

FORM NO. 4

(SEE RULE 24)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Petition No. 4/06 in O.A. 247/04.

Employees State Insurance Corporation

-Versus -

Dr.Franjit Barman and 22others

FOR the applicant(s) - Ranjit Das

For the Respondent(s) - J.L.Sarkar, M.Chanda, S.Nath

Registry	Date	Order of the Tribunal
----------	------	-----------------------

I have gone through the
Review Petition. No grounds
are made out. Pt.Review. Hence
the review petition is liable to
be dismissed. I order accordingly.

Sd/-

Vice-Chairman

2.3.2007.

I agree.

Sd/-

Member (A)

28.3.2007

Date of Application : 3.4.07

Date on which copy is ready : 10.4.07

Date on which copy is delivered

Certified to be true copy.

Sd/- Illegible

Section Officer (Judl)

C.A.T.Guwahati Bench

Guwahati - 5

10.4.07.

...

certified
to be true
copy.
A.

Annexure-2.

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::::::::::::::::::: GUWAHATI

5.4.2007

NOTICE

The R.A.No.4/06 (C.A.No.247/04) circulated before the Hon'ble Justice Shri G.Sivarajan, Vice-Chairman of the Bangalore Bench and Hon'ble Shri N.D.Bayal, Member(Admn.) of the Principal Bench and on circulation the same has been dismissed on 28.3.07.

R.A.No.4/06 The Employees State
C.A.No.247/04 Insurance Corporation ... Review Petitioner
Versus
Mr.Pranjit Barman
& ors. ... Opp.Parties.

SECTION OFFICER(J).

Copy to :

- 1) Shri R.Das, Advocate, Gauhati High Court, Guwahati.
- 2) Shri M.Chanda, Advocate, Gauhati High Court, Guwahati.
- 3) P.S. to Hon'ble Vice-Chairman.
- 4) Notice Board.

5.4.07
SECTION OFFICER(J).

- 5 -

IN THE MATTER OF :-

The Employees State Insurance Corporation
being represented and authorised by -
Dr. Parimal Maji, the Medical Superintendent,
Employees State Insurance Corporation Model
Hospital, Beltola, P.O. Guwahati-781022,
District : Kamrup (Metro), Assam.

... PETITIONER/RESPONDENTS
NOS. 1 -5 OF O.A. 247/04.

- Versus -

1. Dr. Pranjit Barman,
 2. Dr. Pranab Kumar Sarma
 3. Dr. Pradip Kr. Bordoloi.
 4. Dr. Halini Mohan Das.
 5. Dr. Nava Kumar Oogoi.
 6. Dr. Apurba Kr. Saikia.
 7. Dr. Tarun Kr. Bhuyan.
 8. Dr. Bhaben Rongson
 9. Dr. Kabin Tumung.
 10. Dr. (Mrs.) Sikha Sarma.
 11. Dr. Karabi Kalita.
 12. Dr. Chandan Choudhury.
 13. Dr. Dipak Chanchal Borbora.
 14. Dr. (Mrs.) Mandira Sarma.
 15. Dr. (Mrs) Parinita Hazarika.
- (Serial Nos. 1 to 15 above) are all -
working as Medical Officers (On deputation),
from the Govt. of Assam, at the Employee State
Insurance Corporation Model Hospital, Beltola,
P.O. Guwahati-781022, DIST. Kamrup (Metro), Assam.

... RESPONDENTS / (APPLICANTS
IN O.A. 247/04)

16...

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3

(12)

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16. The Commissioner & Secretary to the
Govt. of Assam, Labour & Employment
Department, Assam Sachivalaya, Dispur,
P.O. Guwahati - 781006.
17. The Secretary to the Govt. of Assam,
Labour & Employment Department,
Assam Sachivalaya, Dispur,
P.O. Guwahati - 781006.
18. The Administrative Medical Officer,
Employees State Insurance Scheme,
Government of Assam, Zoo Barangi Road,
P.O. Guwahati - 781021,
District : Kamrup (Metro), Assam.

... INFORMATION RESPONDENTS/
RESPONDENTS 6-8 of OA247/04

19. The Central Administrative Tribunal,
Principal Bench, being represented by
its Chairman, C.A.T., Principal Bench,
Copernicus Marg, New Delhi - 110001.
20. The Central Administrative Tribunal, Guwahati
bench, being represented by its Section
Officer (Judicial) Rajgarh Main Road,
P.O. Guwahati - 781003.

... RESPONDENTS

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

गुवाहाटी बेंच
Guwahati Bench

केन्द्रीय प्रशासनिक अपिचरण
Central Administrative Tribunal

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गुजराटी नायपीठ
Gujarati Bench

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			WP(C) 3464/2007
			PRESENT HON'BLE CHIEF JUSTICE MR. J. CHELAMESWAR HON'BLE SMT. JUSTICE A. HAZARIKA
			1.8.2007 (J. Chelameswar, CJ)
			Adjourned at the request of the learned counsel for the petitioner.

सद/- A. Hazarika
Judge

सद/- J. Chelameswar
Chief Justice

CERTIFIED TO BE TRUE COPY
Date 1.8.2007
Superintendent (Copy Section)
Gujarati Bench Court
Authorized U/S 76 Act 1 1872

सद/-
10/10/07



Annexure - 4

14

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court Of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

Page No. 1

CASE NO : MC 3853/2007

District : Kamrup

1 THE EMPLOYEES STATE INSURANCE CORPORATION

Petitioner/appellant/applicant

Versus

1 DR. PRANJIT BARMAN & ORS

Respondent/Opp. Party

Advocates for Petitioner/appellant

1 S R BHATTACHARJEE
 2 R DAS
 3 S BHATTACHARJEE
 4 S R BHATTACHARJEE
 5 R DAS
 6 S BHATTACHARJEE

Advocates for Respondents

1 GA, ASSAM
 2 M CHOUDHURY
 3 S CHOUDHURY
 4 S GHOSH
 5 M CHANDA
 6 S CHOUDHURY
 7 S K GHOSH

केन्द्रीय प्रशासनिक अपिलेशन
 Central Administrative Tribunal

गुवाहाटी न्यायपीठ
 Guwahati Bench

Summary Of Case And Prayer In Brief

CERTIFIED COPY OF JUDGEMENT / ORDERDATE OF FILING APPLICATION
20/12/2007DATE WHEN COPY WAS READY
28/12/2007DATE OF DELIVERY
28/12/2007

BEFORE

HON'BLE MR. JUSTICE RANJAN GOGOI
 HON'BLE SMT. JUSTICE A. HAZARIKA

DATE OF ORDER : 26/11/2007

As the petitioners in the writ petition have already implemented the order of the learned Central Administrative Tribunal by passing a consequential order dated 8.10.2007 which has been made subject to final outcome of the writ petition, the prayer for interim relief/stay of the order dated 23.5.2007 passed by the learned Tribunal, in our considered opinion, should not be acceded to.

The prayer for stay is, therefore, refused.

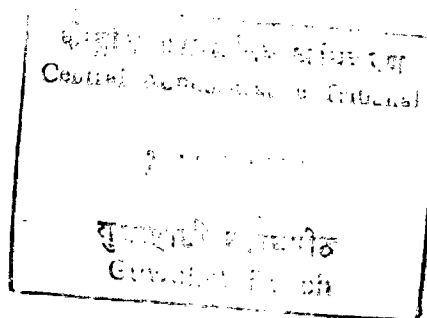
Misc. case stands disposed of.

A. Hazarika

Sd/- Ranjan Gogoi

Judge

T. J. J.



27

Annexure-5.

15

EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BIRWAN, KOTLA ROAD, NEW DELHI

Dated 17/9/2007

Ref: No. 30-1/2005-Med.VI

To: The Medical Superintendent,
ESIC Model Hospital,
Beltola, Guwahati
Assam.

Re: Absorption of State Govt. Doctors working in ESIC Model Hospital Beltola, Assam.

Sir,
On the basis of the recommendations of Screening Committee, the Director General has approved the absorption of the following State Govt. Doctors working in ESIC Model Hospital, Beltola with effect from 1/1/2006 in the post shown against each (subject to outcome of WP No. 3464 of 2007).

S. No.	Name of the Doctor Date of birth	Present designation in State Govt.	date of appointment in State Govt.	Present basic pay as on 1/1/2006 in State Govt.	Absorption in the ESIC	
					GDMO Cadre	Pay scale
1	Dr. P.K. Bordoloi 11/1/51	Doctor (M&HO-I)	30/12/99	Rs. 11,425/-	IMO Gr.II	Rs.8,000-275-13,500/-
2	Dr. N.K. Gogoi 1/3/59	Doctor (M&HO-I)	31/01/91	Rs. 7,100/-	IMO Gr.II	Rs.8,000-275-13,500/-
3	Dr. A.K. Saikia 21/12/51	Doctor (M&HO-I)	30/06/93	Rs. 6,850/-	IMO Gr.II	Rs.8,000-275-13,500/-
4	Dr. (Mrs.) Savita Kotaky 31/12/56	Doctor (M&HO-I)	16/07/83	Rs. 10,700/-	IMO Gr.II	Rs.8,000-275-13,500/-
5	Dr. (Mrs.) Parinita Barua 01/09/63	Doctor (M&HO-I)	17/12/90	Rs. 7,100/-	IMO Gr.II	Rs.8,000-275-13,500/-
6	Dr. P.K. Das 1/1/53	Doctor (M&HO-I)	30/12/99	Rs. 7,850/-	IMO Gr.II	Rs.8,000-275-13,500/-
7	Dr. P.K. Sarma 01/01/58	Doctor (M&HO-I)	30/12/99	Rs. 7,600/-	IMO Gr.II	Rs.8,000-275-13,500/-
8	Dr. Mandira Sarma 1/1/63	Doctor (M&HO-I)	14/07/94	Rs. 6,850/-	IMO Gr.II	Rs.8,000-275-13,500/-
9	Dr. T.K. Bhuyan 1/1/50	Doctor (M&HO-I)	14/12/90	Rs. 7,100/-	IMO Gr.II	Rs.8,000-275-13,500/-
10	Dr. P. Choudhury 1/1/50	Doctor (M&HO-I)	30/12/99	Rs. 11,025/-	IMO Gr.II	Rs.8,000-275-13,500/-
11	Dr. N.M. Das 31/12/58	Doctor (M&HO-I)	24/12/90	Rs. 7,600/-	IMO Gr.II	Rs.8,000-275-13,500/-

attached to be home copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

१ नवम्बर १९९९

गुवाहाटी न्यायपीठ
Guwahati Bench

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S No	Name of the Doctor Date of birth	Present designation in State Govt.	date of appointment in State Govt.	Present basic pay as on 1/1/2006 in State Govt.	Absorption in the ESIC	
					GDMO Cadre	Pay scale
12	Dr. (Mrs.) Manjima Baishya 22/11/63	Doctor (M&HO-I)	26/10/90	Rs. 7,100/-	IMO Gr.II	Rs.8,000-275-13,500/-
13	Dr. Pranjit Barman 01/03/69	Doctor (M&HO-I)	25/07/94	Rs. 6,850/-	IMO Gr.II	Rs.8,000-275-13,500/-
14	Dr. Biresh Banikya 01/06/58	Doctor (M&HO-I)	30/12/99	Rs. 6,600/-	IMO Gr.II	Rs.8,000-275-13,500/-
15	Dr. (Mrs.) Sangeeta Lahkar 01/04/66	Doctor (M&HO-I)	20/04/93	Rs. 6,075/-	IMO Gr.II	Rs.8,000-275-13,500/-
16	Dr. Hiranmayee Sarma 04/02/67	Doctor (M&HO-I)	15/07/94	Rs. 5,900/-	IMO Gr.II	Rs.8,000-275-13,500/-
17	Dr. Sikha Sarma 14/09/67	Doctor (M&HO-I)	30/12/99	Rs. 5,725/-	IMO Gr.II	Rs.8,000-275-13,500/-
18	Dr. Karabi Kalita 31/08/68	Doctor (M&HO-I)	30/12/99	Rs. 5,725/-	IMO Gr.II	Rs.8,000-275-13,500/-
19	Dr. Kabin Tumung 01/03/68	Doctor (M&HO-I)	24/11/95	Rs. 5,725/-	IMO Gr.II	Rs.8,000-275-13,500/-
20	Dr. Bhaben Rongson 23/02/68	Doctor (M&HO-I)	22/11/96	Rs. 5,550/-	IMO Gr.II	Rs.8,000-275-13,500/-

The absorption of these Doctors is subject to vigilance clearance from the State Govt.

1. The Medical Superintendent is advised to convey the decision of the Competent Authority to absorb them by indicating the post in which they are absorbed and the pay scale of that post seeking unconditional acceptance of the offer in writing.
2. The Medical Superintendent will also obtain technical resignation from the Individual Doctors and forward the same to the State Govt. for acceptance.
3. The Medical Superintendent may work out the basic pay in the post in which they are absorbed on the date of absorption in consultation with the concerned Dy. Director (Fin.) / Assistant Director (Fin.), as the case may be, and submit the same for the approval of the Financial Commissioner.
4. The Medical Superintendent is also advised to write immediately to the State Govt. to obtain the Confidential Reports, Vigilance Clearance and Seniority list as on the date of absorption in respect of all these Doctors who are proposed to be absorbed on priority.
5. The Medical Superintendent may also bring to the knowledge of the Doctors in writing that no private practice is allowed in respect of those absorbed Doctors as they are entitled to Non Practice Allowance.

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Guwahati Bench

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6. Dr. Pranjit Burman and Dr. Kabin Tumung have opted for All India seniority and will be eligible for promotions beyond CMO grade as and when due. After their final absorption their service particulars may be sent to Hqrs. for inclusion in the All India Seniority list.

7. All the other Doctors will be eligible for promotions only upto CMO grade as and when due.

8. The Medical Superintendent should ensure that the revision of pay, if any, made by the State Govt. after the date of absorption i.e., 1/1/2006 should be excluded for arriving at the basic pay at the time of pay fixation. It may also be ensured that pay drawn in the regular post held under the State Govt. should be taken into account at the time of fixation.

Yours faithfully,



(C.R. Nageswaren)
Joint Director (Med.)
For Director General

Copy to :-

1. The Financial Commissioner, ESIC, Hqrs. Office, New Delhi for information.
2. The Addl. Commissioner (P&A), (Estt. Br.III / Estt. Br. I), ESIC, Hqrs. Office, New Delhi for information.
3. The Director (Fin.), ESIC, Hqrs. Office, New Delhi for information.
4. The Director (Vigilance), ESIC, Hqrs. Office, New Delhi.
5. The Regional Director, ESIC, Regional Office, Guwahati, Assam for information.
6. The Director (Vigilance) (EZ), ESIC, R.O. Kolkata.
7. Dy. Director (Fin.), ESIC Model Hospital, Beltola, Guwahati for information and necessary action.

Joint Director (Med.)

27 FEB 2008

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Guwahati Bench

Annexure - 6

18

ESIC MODEL HOSPITAL
BEL TOLA, GUWAHATI-22.

Urgent

No 432-A-23/11/1/2003-Estt.

1875

Dated 08-10-2007

To,

Dr. M&HO-I (on deputation)
ESIC Model Hospital,
Beltola, Guwahati-22. (Assam)

Sub: - Absorption of State Govt. Doctors in ESIC w.e.f. 01-01-2006 working in ESIC Model Hospital, Beltola Guwahati, Assam. (Subject to outcome of W.P.No 3464 of 2007)

Sir/Madam,

In pursuance of the ESIC Hqrs. Office New Delhi letter no. A-37(18)-1/2005-Med VI dated 17-09-2007, I am directed to convey / inform you that the Director General, ESIC New Delhi has approved the absorption of the following state Govt. doctors working in the ESIC Model Hospital, Beltola, Guwahati-22 with effect from 01-01-2006 in the post shown against each. (Subject to outcome of W P No 3464 of 2007).

S.No	Name of the Doctor & Date of birth	Present designation in state Govt.	Present Basic pay as on 01-01-2006 in state Govt.	Absorption in the ESIC	
				GDMO Cadre	Pay scale
1	Dr. P. K. Bordoloi, 19-11-1951	Doctor (M&H.O.-I)	Rs. 11,425/-	IMO Gr. II	Rs. 8000-275-13,500
2	Dr. N. K. Gogoi 12-03-1959	Doctor (M&H.O.-I)	Rs. 7,100/-	IMO Gr. II	Rs. 8000-275-13,500
3	Dr. A. K. Saikia 31-12-1961	Doctor (M&H.O.-I)	Rs. 6,850/-	IMO Gr. II	Rs. 8000-275-13,500
4	Dr. (Mrs) Savita Kotoky, 31-12-1956	Doctor (M&H.O.-I)	Rs. 10,700/-	IMO Gr. II	Rs. 8000-275-13,500
5	Dr. (Mrs) Parinita Hazarika 01-09-1963	Doctor (M&H.O.-I)	Rs. 7,100/-	IMO Gr. II	Rs. 8000-275-13,500
6	Dr. D. C. Borbora, 01-01-1963	Doctor (M&H.O.-I)	Rs. 7,850/-	IMO Gr. II	Rs. 8000-275-13,500
7	Dr. P. K. Sarma, 01-01-1958	Doctor (M&H.O.-I)	Rs. 7,600/-	IMO Gr. II	Rs. 8000-275-13,500
8	Dr. (Mrs) Mandira Sarma 04-10-1963	Doctor (M&H.O.-I)	Rs. 6,850/-	IMO Gr. II	Rs. 8000-275-13,500
9	Dr. T. K. Bhuyan 16-01-1962	Doctor (M&H.O.-I)	Rs. 7,100/-	IMO Gr. II	Rs. 8000-275-13,500
10	Dr. C. Choudhury 05-11-1956	Doctor (M&H.O.-I)	Rs. 11,025/-	IMO Gr. II	Rs. 8000-275-13,500
11	Dr. N. M. Das 01-01-1958	Doctor (M&H.O.-I)	Rs. 7,600/-	IMO Gr. II	Rs. 8000-275-13,500
12	Dr. (Mrs) Manjima Baishya 22-11-1963	Doctor (M&H.O.-I)	Rs. 7,100/-	IMO Gr. II	Rs. 8000-275-13,500
13	Dr. Pranjit Barman 01-03-1969	Doctor (M&H.O.-I)	Rs. 6,850/-	IMO Gr. II	Rs. 8000-275-13,500
14	Dr. Biresh Banikya 01-06-1958	Doctor (M&H.O.-I)	Rs. 6,600/-	IMO Gr. II	Rs. 8000-275-13,500
15	Dr. (Mrs) Sangeeta Lahkar 01-04-1966	Doctor (M&H.O.-I)	Rs. 6,075/-	IMO Gr. II	Rs. 8000-275-13,500

Contd-2

entitled to
before 1971

---2---

6	Dr(Mrs) Hiranmayee Sarma 04-02-1967	Doctor (M&H.O.-I)	Rs.5,900/-	IMO Gr.II	Rs 8000-275-13,500
17	Dr (Mrs) Sikha Sarma 14-09-1967	Doctor (M&H.O.-I)	Rs.5,725/-	IMO Gr.II	Rs.8000-275-13,500
18	Dr.(Mrs) Karabi Kalita 31-08-1968	Doctor (M&H.O.-I)	Rs.5,725/-	IMO Gr.II	Rs.8000-275-13,500
19	Dr.Kabin Tumung 01-03-1968	Doctor (M&H.O.-I)	Rs.5,725/-	IMO Gr.II	Rs 8000-275-13,500
20	Dr.Bhaben Rongson 23-02-1968	Doctor (M&H.O.-I)	Rs.5,550/-	IMO Gr.II	Rs.8000-275-13,500

It is also informed that the absorption of the above doctors is subject to vigilance clearance and report of last 5 years A.C.Rs from the State Govt-which have not yet been received These will scrutinised thereafter.

1. The above doctors are hereby informed that no private practice is allowed in respect of these absorbed doctors as they are entitle to "Non practice allowance".
2. It is also informed that Dr.Pranjit Barman & Dr.Kobin Tumung have opted for All India Seniority and will be eligible for promotion beyond CMO grade as per Rules as and when due. After their final absorption their service particulars will be sent to Hqrs. Office for inclusion in the All India Seniority list.
3. It is also informed that all the other doctors (except Dr.Pranjit Barman & Dr.Kobin Tumung) will be eligible for promotion upto C.M.O. grade as per Rules as and when due.
4. All the above doctors are hereby advised to submit their individual unconditional acceptance of the above offer in writing (in triplicate) as per the enclosed format ON OR BEFORE 25-10-2007.
5. After completing / clearance of the above formalities, all the above doctors are hereby advised to submit their individual technical resignation (in triplicate) for onward submission to the State Govt. for acceptance.

Encl: - As above.

Yours faithfully,

(Dr.P.Maji)
Medical Superintendent.

Copy for information & necessary action w.r.t. above -mentioned Hqrs's letter dated 17-09-07 to:-

1. The Medical Commissioner, ESIC, CIG Marg, New Delhi-2.
2. Sri T.R.Gautam, Addl. Commissioner (Med.Admn), ESIC, CIG Marg, New Delhi-2
3. The Director General (P&A Br.) ESIC, CIG Marg, New Delhi-2.
4. The Financial Commissioner, ESIC, CIG Marg, New Delhi-2.
5. The Sr. State Medical Commissioner,(EZ),ESIC,5/1 grant lane Kolkata-12.
6. The Director (Vigilance) ESIC, CIG Marg, New Delhi-2.
7. The Director (Vigilance), ESIC (EZ),P-4,Rajarajkrishna street, Kolkata-6.
8. The Secretary -cum- Commissioner, Labour & Employment Deptt.Govt of Assam, P O Assam Shasivalaya Dispur,Guwahati-6.
9. The Administrative Medical Officer, ESIC Scheme Assam,Zoo Narengi Tinali,Guwahati-21
10. The Regional Director, ESIC,N.E.Region,Bamunimoidan,Guwahati-21
11. The Asstt. Director (Fin), ESIC Model Hospital, Beltola, Guwahati-22.
12. Sri Ranjit Das, Advocate, Guwahati High Court (Res- "Devashree Bhawan", Link Road,West Bhaskar Nagar,Guwahati -18) along with a copy of Hqrs above mentioned letter dated 17-09-07.
13. Guard File.

(Dr.P.Maji)
Medical Superintendent.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench

2-9/11/07

20

Dated, Guwahati the _____ Oct /2007

To,

The Director General,
ESI Corporation,
CIC Marg
New Delhi- 110002.

(Through Med. Supdt. ESIC Model Hospital, Beltola, Guwahati-22)

Sub: - Absorption of State Govt. Doctors in ESIC w.e.f. 01-01-2006 working in ESIC Model Hospital, Beltola Guwahati, Assam. (Subject to outcome of W. P. No 3464 of 2007)

Sir,

I have gone through the content of the letter as circulated vide Medical Superintendent, ESIC Model Hospital, Beltola, Guwahati's letter No. No.432-A-23/11/1/2003-Estt dated. 08-10-2007 and fully understand its content.

- (i) I hereby accept my absorption in ESI Corporation service w.e.f. 01-01-2006 in the post of I M.O.Gr-II in the scale of pay Rs. 8000-275-13,500.
and
- (ii) I also hereby understand that my absorption to the above post is subject to vigilance clearance & report of my last five years ACRs from 2002-03 onward from the State Govt
- (iii) I also understand that no private practice is allowed consequent upon my absorption in ESIC & I will abide by the related the rules & regulation of the ESIC on this aspect
- (iv) I also understand that I will be eligible for promotion upto C M O. grade in ESIC as per rules as and when due as I have opted for Institutional seniority.
- (v) It is also clear to me that those who have opted for All India Seniority will be eligible for promotion beyond CMO grade in ESIC as per rules as and when due
- (vi) I also agreed to tender my individual technical resignation from the post I am holding at present under Govt. of Assam Department of Labour & Employment Deptt immediately on completion of formalities as mentioned in the above mentioned Med Supdt letter No.432-A-23/11/1/2003-Estt. dated. 08-0-07 for onward submission to the Competent Authority
- (vii) I also hereby agree to abide by all the terms & conditions of absorption of ESIC as set-out & circulated to me earlier.

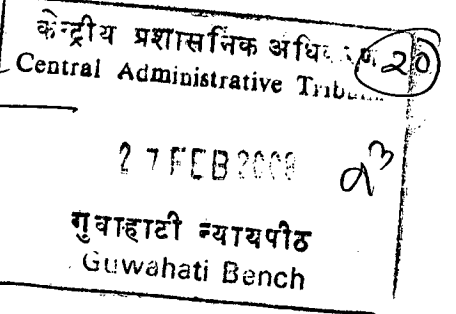
Yours faithfully,

(Name of the Doctor / Employee)
Designation _____
ESIC Model Hospital, Beltola, Guwahati.

Copy to: - The Secretary, Govt. of Assam Department of Labour & Employment Govt. of Assam, Dispur, Guwahati-6 (Assam) with reference to letter No _____ dated _____

- State Govt. letter deputing the employee to the Model Hospital, Beltola, Guwahati

Modified Acceptance



To,

The Director General,
ESI Corporation,
CIG Marg,
New Delhi- 110002.

(Through Med. Supdt. ESIC Model Hospital, Beltola, Guwahati-22)

Sub: - Absorption of State Govt. Doctors in ESIC w.e.f. 01-01-2006 working in ESIC Model Hospital, Beltola Guwahati, Assam. (Subject to outcome of W. P. No 3464 of 2007)

Sir,

I have gone through the content of the letter as circulated vide Medical Superintendent, ESIC Model Hospital, Beltola, Guwahati's letter No. No.432-A-23/11/1/2003-Estt. dated. 08-10-2007 and fully understand its content.

- (i) I hereby accept my absorption in ESI Corporation service w.e.f. 01-01-2006 unconditionally in the post of I.M.O.Gr-II in the scale of pay Rs. 8000-275-13,500.
and
- (ii) I also hereby understand that my absorption to the above post is subject to vigilance clearance & report of my last five years ACRs from 2002-03 onward from the State Govt.
- (iii) I also understand that no private practice is allowed consequent upon my absorption in ESIC & I will abide by the related the rules & regulation of the ESIC on this aspect.
- (iv) I also understand that I will be eligible for promotion upto C.M.O. grade in ESIC as per rules as and when due as I have opted for Institutional seniority.
- (v) It is also clear to me that those who have opted for All India Seniority will be eligible for promotion beyond CMO grade in ESIC as per rules as and when due.
- (vi) I also agreed to tender my individual technical resignation from the post I am holding at present under Govt. of Assam Department of Labour & Employment Deptt. immediately on completion of formalities as mentioned in the above mentioned Med.Supdt. letter No.432-A-23/11/1/2003-Estt. dated. 08-0-07 for onward submission to the Competent Authority
- (vii) I also hereby agree to abide by all the terms & conditions of absorption of ESIC as set-out
& circulated to me earlier.

Yours faithfully,

(Name of the Doctor / Employee)
Designation _____
ESIC Model Hospital, Beltola, Guwahati.

Copy to: - The Secretary, Govt. of Assam Department of Labour & Employment, Govt. of Assam, Dispur, Guwahati-6 (Assam) with reference to letter No. _____ dated _____.

- State Govt. letter deputing the employee to the Model Hospital, Beltola, Guwahati.

18/10/07.

Annexure - 6(a)

21/04

By Spl. Messenger

MOST URGENT

Confidential

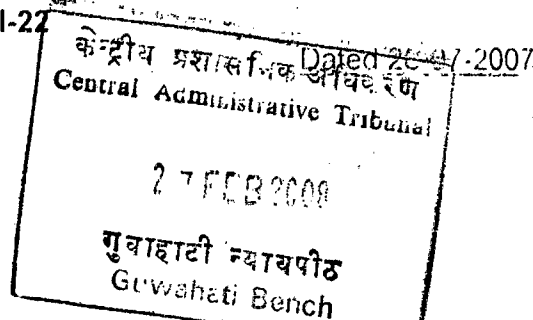
**ESIC MODEL HOSPITAL
BELTOLA, GUWAHATI-22**

No. 432-A-23/11/1/2003-Estt.

To,

Dr. H.K. Sharma
Administrative Medical Officer,
ESI Scheme, Govt. of Assam,
Zoo Narengi Tiniali,
Guwahati - 21.

1136



Sub: - Absorption of State Govt. Doctors to ESIC (presently on deputation to Model Hospital, Beltola, Guwahati - 22): Request for immediate sending of their latest seniority List, Post held on regular basis from the date of their joining in ESI Scheme & ACR of last five years commencing from 2002-03 onward after filling of all columns including opinion of the Reviewing authority & remarks of the Accepting Authority thereof.

Ref: - This office letter No. 432-A-23/11/1/2003-Estt. Dtd. 17-07-07 & your letter No. FSI/ACR/DOCTORS/2007/3489 dated 24-07-07

Sir,

Please refer to your above mentioned letter dated 24-07-07 (received on 25-07-07) enclosing therewith the A.C.Rs of last 5 years commencing from 2002-2003 in respect of 20 nos of doctors on deputation working presently in this model hospital under ESIC Model Hospital, Beltola, Guwahati-22

On verification of the A.C.Rs it is observed that all the columns related to the ACRs of 2002-03 in particular have not been filled in with date. Moreover, in all these ACRs of 5 years, opinion of the Reviewing authority & Remarks of the Accepting Authority have not been obtained/ mentioned

Accordingly, all the 20 nos of ACRs as sent by you are being returned herewith with the request kindly to resubmit the ACRs of 5 years after filling /completing all the columns with dated signature & seal of the Authority concerned.

It has also been seen that you have not sent the latest seniority list of these doctors & the date from which these 20 nos of Doctors (on deputation) are holding post on regular basis under state Govt.

In addition, a vigilance clearance certificate in respect of the above 20 nos of Doctors for the year 2002-03 may also please be forwarded.

Therefore, considering the urgency/ least time in hand/ importance of the issue as mentioned earlier, you are once again requested kindly to look in to the matter personally so that the complete information/ particulars are furnished without further delay.

This may please be treated as **MOST URGENT**.

Encl:- 5 years ACRs in original.

Yours faithfully,

(Dr. P. Maji)
Medical Superintendent

Copy for kind information & immediate necessary action w.r.t. this office letter of even no. dated 17-07-07 to:-

- 1) The Commissioner Secretary,
Department of Labour & Employment, Govt of Assam, Dispur, Guwahati - 6. The above information / particular may please be sent immediately for processing / finalisation of absorption of State Govt doctors presently on deputation to this model hospital within the time limit as granted by Hon'ble CAT, Guwahati in the Misc petition No. 24/07 in QA No. 247/2004 filed by Dr. P.K. Sarma & others.
- 2) Sri T. R. Gautam, Addl. Commissioner (Med. Admn), ESIC Hqrs., CIG Marg, New Delhi - 2
- 3) Sri C.R. Nageswaram Jt. Director (Med), ESIC Hqrs., CIG Marg, New Delhi - 2 for kind information & necessary action w.r.t. his letter No. C. 18(14) 20 / 2006-Med IV dtd. 10-7-07.
- 4) Sri Ranjit Das, Advocate, Res - "Devashree Bhavan", Link Road, West Bhaskar Nagar, Guwahati - 18.
- 5) Dr. P. K. Sarma, GDMO, ESIC Model Hospital, Beltola, Guwahati - 22.

Permanently 26.7.07

(Dr. P. Maji)
Medical Superintendent

27/02/2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Annexure-6(b)

HEADQUARTERS' OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
'PANCHDEEP BHAWAN' KOTLA ROAD NEW DELHI

Dated 8/8/2007

No.U-11/11/Guwahati/2005/Med.VI

To

The Joint Secretary,
Govt. of Assam,
Ministry of Labour & Employment,
Guwahati,
Assam.

Sub.: Terms & Conditions of absorption of State Govt. employees
working in the ESIC Model Hospital Beltola, Assam.
Ref.: Your letter No. GLR.131/2001/Pt.-III/112 dated 25/5/2007.

Sir,

With reference to your letter cited above, I am directed to inform you that for the sake of uniformity in recovery of leave salary and pension contribution from the respective State Govts. and maintaining uniformity in the date of absorption a decision was taken by the Corporation in its 134th meeting held in December 2005 to absorb the employees who were working in ESI Scheme run hospitals all over India and taken on deputation with effect from 1/1/2006.

In view of the above decision, it will not be possible to absorb the employees of ESIC Model Hospital, Beltola from the date of deputation. The Corporation has already filed a writ petition before the Hon'ble High Court Guwahati against the order of the Hon'ble CAT in O.A. No. 247/2004. The Corporation has already taken steps to absorb the employees who were found fit with effect from 1/1/2006 subject to outcome of the writ petition.

Yours faithfully,

(T.R. Gautam)

Addl. Commissioner (MA)

Copy to:-

1. The Medical Superintendent, ESIC Hospital, Beltola, Assam for information and necessary action.
2. The Senior State Medical Commissioner, ESIC, West Bengal for information and necessary action.
3. The Administration Medical Officer, ESI Scheme, Beltola, Assam for information and necessary action.

Addl. Commissioner (MA)

27 FEB 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Ann. ure - 6 (a) (23)

By Spl. Messenger
Court Case
Time Bound
MOST URGENT
Ph & Fax No. 0361-
2361082, 2360085

ESIC MODEL HOSPITAL
BELTOLA, GUWAHATI - 22

No. 432-C-18/13/1/2003-CAT case

12.67

Dated : 20-08-07

To.

The Joint Secretary
Labour & Employment Deptt.
Govt. of Assam
Dispur, Guwahati - 6

Sub :- Terms & conditions of absorption of State Govt. employees working in the ESIC
Model Hospital, Beltola, Assam

Ref :- Your letter no. GLR131/2001/Pt-III/112 dtd. 25-05-07 & Hqrs. ESIC, New Delhi's letter
no. U-11/11/Guwahati/2005/Med. IV dtd 8-8-07

Sir.

In inviting a reference to the above, I am directed to forward herewith a Xerox copy of
ESIC. Hqrs., letter no. U/11/11/Guwahati/2005-Med.IV dtd. 8-8-07 (received on 16-8-07) for
your kind information & further necessary action.

Receipt of the letter may please be acknowledged.

Yours faithfully,

Encl : As above

autographed
be from emr.
H

(C.R. Paul)
Dy. Director (Admn)
For Medical Superintendent

Copy forwarded for kind information & necessary action along with a Xerox copy of Hqrs. above
mentioned letter dtd. 9-8-07 to :-

- 1) The Sr. State Medical Commissioner, 5/1, Grant lane, Kolkata - 12.
- 2) The Administrative Medical Officer, ESI Scheme, Assam, Zoo Narengi Tinali, Guwahati - 12.
- 3) Sri Ranjit das, Advocate, Res-Devashree Bhavan, West Bhaskar Nagar, Guwahati - 18.
- 4) The Addl. Commissioner (Md. & Admn), ESIC Hqrs, CIG Marg, New Delhi - 2 for kind
information w.r.t. his above mentioned letter dtd., 8-8-07.
- 5) File No. 432-A-23/11/1/2003-Estt. for reference.
- 6) File No. 432-A-27/19/1/2003-Estt. for reference.

(C.R. Paul)
Dy. Director (Admn)
For Medical Superintendent

27 FEB 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

97

Annexure - 6 (d)

By Speed Post

ESIC MODEL HOSPITAL
BELTOLA, GUWAHATI-22

Dated 05-11-2007

24

2148

11-05/11/07
No. 432-A-23/11/1/2003-Estt.

To,

The Director General,
ESIC, Hqs. Office,
CIG Marg, New Delhi-2.

Sub: - Absorption of State Govt. Doctors in ESIC w.e.f. 01-01-2006 working in ESIC Model Hospital, Beltola Guwahati, Assam. (Subject to outcome of W.P.No 3464 of 2007): Forwarding of State govt. letter dated 12-10-07 regarding "No Objection Certificate" for accepting technical resignation of the deputationists working at ESIC Model Hospital, Beltola, Guwahati w.e.f.04-04-2003 approval thereof.

Ref: - Hqrs. letter no. A-37(18)-1/2005-Med.VI dated 17-09-2007, this office letter of even No. dtd. 08-10-07 dated 29-10-07.

Respected Sir,

In continuation to this office letter of even no. dtd. 29-10-07, I am directed to forward herewith a copy Dy. Secretary, to the Govt. of Assam, Labour & employment Deptt. Dispur, Guwahati's letter no. GLR.131/2001/Pt.-III/216 dated 12-10-2007 (endorsement copy received on 29-10-07) addressing to you for your kind information and further necessary action.

Incidentally, it is informed that inspite of repeated requests this office has not received the Vigilance Clearance, ACR of last 5 years commencing from 2002-03 & latest Seniority list from the govt. of Assam which are needed for processing / finalisation of the absorption cases.

Hqr's kind decision on the above issue may please be intimated at the earliest.

This issue with the approval of the Medical Superintendent.

Encl: - As above.

Yours faithfully,

(C.R.Paul)

Dy. Director (Admn)

For Medical Superintendent.

- Copy to:-
1. The Medical Commissioner, ESIC, CIG Marg, New Delhi-2 along with a Xerox copy of State Govt. letter No. GLR.131/2001/Pt.-III/216 dated 12-10-2007
 2. Sri Ranjit Das, Advocate, Res-"Devashree Bhavan", Link Road, West Bhaskar Nagar, Guwahati - 18. for information & necessary action w.r.t this office letter of even no. dtd. 29-10-07. A Xerox copy of govt. of Assam, Labour & Employment Deptt. Guwahati's letter No. GLR.131/2001/Pt.-III/216 dated 12-10-2007 as Mentioned above is also enclosed herewith.
 3. CAT, Case file, ESIC Model Hospital, Beltola, Guwahati for reference.

(C.R.Paul)

Dy. Director (Admn)

For Medical Superintendent.

Kbg/-

1807
29/10/07
GOVERNMENT OF ASSAM
LABOUR & EMPLOYMENT DEPARTMENT

By Special Post No
(25)
Annexure-6(e)

No.GLR.131/2001/Pt-III/216

Dated Dispur, the 12th Oct./2007.

From : Mrs.Zabin Rahman Ahmed, ACS,
Deputy Secy. to the Govt. of Assam,
Labour & Employment Department.

To : The Director General,
ESI Corporation, H.Qrs.,
"Panchdeep Bhawan"
C.I.G. Marg, Near Bal Bhawan,
New Delhi- 110002.

Sub : Prayer for 'No Objection Certificate' for
accepting the "Technical Resignation" of the
deputationists working at E.S.I.C. Model Hospital,
Beltola, with effect from 04-04-2003; approval
thereof etc.

Sir,

I am directed to inform you that the State Govt.
have no objection for accepting the "Technical Resignation"
of the deputationist working at E.S.I.C., Model Hospital, Beltola
with effect from 04-04-2003 i.e. from the date of absorption
as per ESIC clause No.3 of Terms & Conditions of absorption.

This has the approval of Hon'ble Minister, Labour
and Employment, Assam.

Yours faithfully,

Deputy Secy. to the Govt. of Assam
Labour & Employment Department

Memo No.GLR.131/2001/Pt-III/216-A, Dt. Dispur, the 12th Oct./07
Copy to :-

1. The Medical Commissioner, ESIC HQrs,
"Panchdeep Bhawan" C.I.G. Marg, Near Bal Bhawan,
New Delhi- 110002, for favour of information & necessary
action.
2. The Medical Superintendent, ESIC, Model Hospital, Beltola,
Assam, for favour of information & necessary action.

By order etc.,

Deputy Secy. to the Govt. of Assam
Labour & Employment Department.

Enclosed to
be sent by
air

2000
16/11/05
9
EMPLOYEES STATE INSURANCE CORPORATION
BANK OF BARODA LTD. GUWAHATI 781002

HEAD QUARTERS OFFICE

Annexure-6(b)

26

N. 3-11-11-00 Med.VI

Dated, 15 Nov 05

Subject: Extension of Period of Deputation beyond fifth year in respect of ESI Model Hospitals.

The Standing Committee of ESI Corporation in its 175th Meeting held on 12th October 2005 approved extension to period of Deputation of the State Government Staff on deputation to ESI Model Hospital beyond fifth year in respect of following hospitals:

S.No	Name of the Hospital	State	Date of taken over
1.	ESI Model Hospital - Nacharam	Andhra Pradesh	01.08.2000
2.	ESI Model Hospital - Jaipur	Rajasthan	01.09.2002
3.	ESI Model Hospital - Ludhiana	Punjab	01.12.2002
4.	ESI Model Hospital - Patna	Bihar	19.12.2002
5.	ESI Model Hospital - Ranchi	Jharkhand	20.12.2002
6.	ESI Model Hospital - Kollam	Kerala	01.01.2003
7.	ESI Model Hospital - Bellola	Assam	04.04.2003
8.	ESI Model Hospital - Rourkela	Orissa	01.05.2003
9.	ESI Model Hospital - Rajajinagar	Karnataka	01.06.2003

entitled to
from comm.
at

(S.I. MEENA)
Secy to Officer

To.

The Medical Superintendent, ESI Model Hospital, Nacharam/Jaipur/Ludhiana/Patna/Ranchi/Kollam/Bellola/Rourkela/Rajajinagar.

Copy for information to :-

1. The Jt. Director(Admn.)/Dy Director(Admn.), ESI Model Hospital, Nacharam/Jaipur/Ludhiana/Patna/Ranchi/Kollam/Bellola/Rourkela/Rajajinagar.
2. The Jt. Director(Finance), Hqrs. Office.
3. The Dy. Director(Fin.), ESI Model Hospital, Nacharam/Jaipur/Ludhiana/Patna/Ranchi/Kollam/Bellola/Rourkela/Rajajinagar.
4. Copy for F.No.A-37(18)/2005/Med.VI(DM(HO)) for G rate for Spare Copy.



**HEADQUARTERS' OFFICE,
EMPLOYEES' STATE INSURANCE CORPORATION
'PANCHDEEP BHAWAN' C.I.G ROAD :NEW DELHI**

No. C-18(11)-9/2004- Med.IV

Dated 7/4/2008

To

The Medical Superintendent,
ESIC Model Hospital,
Baltola, Guwahati
Assam.

Sub:- In the matter of O.A. No. 39/2008 as filed by Dr. Pranav Kumar Sarma.

Sir,

Please refer to your office letter No. 432-C-18/13/1/2003-CAT Case/3599 dated 10/03/2008 on the subject mentioned above.

In this connection, I am to draw your attention to Hqs. (Legal Branch) letter No. Estt./Legal/1794/08 dated 18/03/2008 and to request you to defend the case on behalf of the Corporation as duly advised. Accordingly, you may submit VAKALATNAMA in the Court on behalf of ESIC duly signed by you. You may also ask for some more time on next hearing for filing the reply. Meanwhile, you are requested to forward the para-wise comments for vetting/approval by this office.

This has the approval of the Medical Commissioner.

Yours faithfully

(Ravinder Singh)
Section Officer (Med.)

Encl: As above.

Copy to :-

1. Dy. Director (Law), Legal Cell, Hqs. Office, ESIC, New Delhi with reference to their UO Note No. Estt./ Legal/1749/08 dated 31/03/2008 for information and necessary action

Section Officer (Med.)