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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

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O.A/T.A No. 158/2007

R.A/C.P No.

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SECTION OFFICER (Judl.)

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04.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI Bench

ORDERS SHEET

1. Original Application No. 158 / 2007

2. Miscellaneous Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant (S) Smt K. Hazarika VS Union of India & Ors

Advocate for the Applicant (S) Sri U. Bhuyan, Mrs S-D Bhuyan  
Mrs B. K. M. Talukdar, Mr B.K. Das  
Mr B. Chakrabarty and Mr A. Hazarika


Advocate for the Respondant (S) C.A.S.C. and Govt. Advocate, Assam

Notes of the Registry	Date	Order of the Tribunal
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This application is in form, 19.6.2007  
is filed/C. E. for Rs. 50/-  
deposited vide IPO/BD  
No. 349 / 654315  
Dated 18.6.07

Heard learned counsel for the parties. Judgment passed, kept in separate sheets.

The O.A. is disposed of at the admission stage itself in terms of the order. No costs.

  
Vice-Chairman

/bb/

Registrar

no steps 18.6.07

found before  
21.6.07

21.6.07

C. Copy of the judgment collected by the A/H for the applicant.

Remd Copy for Mrs. M. Das, Addl. C.S.C., C.A.T.  
Panjam creche  
2/7/07

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.158 of 2007

DATE OF DECISION:19.6.2007

Smti Kameswari Hazarika

.....Applicant/s

Shri U.Bhuyan

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.G.Baishya, Sr.C.G.S.C. & Mrs. M.Das,  
Govt.Advocate, State of Assam

.....Advocate for the  
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

- |    |   |        |
|----|---|--------|
| 1. | Whether reporters of local newspapers may be allowed to see the Judgment?                             | Yes/No |
| 2. | Whether to be referred to the Reporter or not?  | Yes/No |
| 3. | Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ? | Yes/No |
| 4. | Whether their Lordships wish to see the fair copy of the Judgment?                                    | Yes/No |

Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 158 of 2007.

Date of Order: This, the 19th day of June, 2007.


THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

Smti Kameswari Hazarika  
Wife of Shri Saki Ram Hazarika  
Resident of Quarter No.B/II  
ESIC Model Hospital  
Beltola, Guwahati-22.

...Applicant.

By Advocates S/Shri U.Bhuyan, B.K.Das, B.Chakraborty,  
A.Hazarika & Mrs. S.D.Bhuyan & Mrs. K.M.Talukdar.

- Versus -

1. The Union of India through the  
Secretary to the Govt. of India  
Ministry of Labour & Employment  
New Delhi.
  2. Director General  
Employees State Insurance Corporation  
Panchdeep Bhawan, CIG Marg  
New Delhi - 2.
  3. Deputy Director (Administration)  
ESIC Model Hospital  
Beltola.  
**Guwahati-22**
  4. Medical Superintendent  
ESIC Model Hospital  
Beltola  
Guwahati-22.
  5. Commissioner & Secretary  
to the Govt. of Assam  
Labour & Employment Department
- 

Assam Secretariat  
Dispur, Guwahati-6.

6. Administrative Medical Officer  
Employees State Insurance Scheme, Assam  
Zoo Narengi Road  
Guwahati-21.

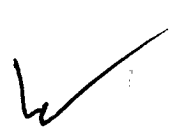
... Respondents.

By Mr.G.Baishya, Sr. C.G.S.C. & Mrs.M.Das, Govt. Advocate,  
State of Assam.

ORDER (ORAL)

SACHIDANANDAN. K.V.,(V.C.):


The Applicant is an employee (Tailor) in the ESIC Model Hospital, Beltola, Guwahati. As per appointment order dated 31.07.1985 (Annexure-A) she joined in the said hospital since its very inception from 01.08.1985. The said hospital was taken over by the Employees State Insurance Corporation (ESIC in short) w.e.f. 04.04.2003. An MOU was signed between the Government of Assam and the ESIC whereby the existing staff were taken on deputation by the ESIC. The officers and staff of the said hospital were given liberty to give their option for their permanent absorption in the ESIC. Accordingly, Applicant opted for his absorption in the ESIC. According to the averment, the terms of absorption prepared by the ESIC were also agreed by the Government of Assam. This Tribunal vide its judgment dated



03.01.2006 passed in O.A. 247/2004 directed the ESIC to implement the terms and conditions contained in the MOU and the draft terms of absorption agreed by the State of Assam within stipulated time. The Government of Assam also by its letter dated 25.05.2007 requested the ESIC to absorb the deputationists w.e.f. 04.04.2003. While so, the ESIC authorities have issued office order dated 31.05.2007 repatriating the Applicant to her parent department. Aggrieved by the this action of the Respondents the Applicant has filed this O.A. seeking the following main reliefs:-

- “(i) to set aside and quash the letter dated 23-5-2007 issued by the Deputy Director (Administration), ESIC Model Hospital, Beltola, Guwahati-22 (Annexure-K).
- (ii) to set aside and quash the office order No.114 of 2007 dated 31-05-2007 issued by the Deputy Director (Administration), ESIC Model Hospital, Beltola, Guwahati-22 (Annexure-L).”

2. Heard Mr.U.Bhuyan, learned counsel for the Applicant. Mr.G.Baishya, learned Sr.C.G.S.C. and Mrs.M.Das, learned Govt. Advocate represented the Union of India and State of Assam respectively. When the matter came up for consideration, learned counsel for the Applicant submitted that he would be satisfied if a direction is given to the second Respondent to consider the case



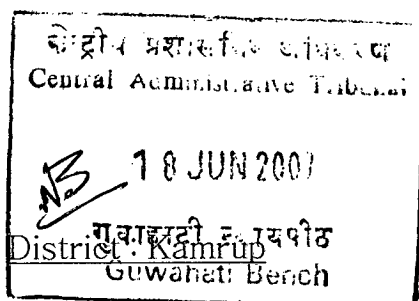
of the Applicant and pass appropriate orders. The counsel appearing for the Respondents they have no objection in adopting such course of action.

3. Accordingly, in the interest of justice, this Court directs the Applicant to submit a comprehensive representation along with all documentary evidence before second Respondent within fifteen days from today and on receipt of such representation the second Respondent or any other competent authority as notified under the Rules shall consider and dispose of such representation and pass appropriate orders communicating the same to the Applicant within a period of three months time thereafter.

The Original Application is disposed of as above at the admission stage itself. There shall, however, be no order as to costs. However, till disposal of the representation, Respondents are directed to keep the impugned order dated 31.05.2007 (Annexure-L) in abeyance.



(K.V.SACHIDANANDAN)  
VICE CHAIRMAN



In the Central Administrative Tribunal,

Gauhati Bench :: Guwahati

Filed by:

Smt. Kameswari Hazarika

-----Applicant

through: D.

Sanghamitra Das Bhuyan  
Advocate

18.6.07

[An application u/s 19 of the Administrative Tribunals Act, 1985]

O.A. No. 158 /2007

Smt. Kameswari Hazarika

- Applicant

-Versus

Union of India & Ors.

- Respondents

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(II)

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Filed by :-

Sanghamitra Das Bhuyan  
Advocate 18.6.07

SYNOPSIS

The applicant is an employee (tailor) in the ESIC Model Hospital, Beltola, Guwahati - 22. She was appointed on 31-07-1985 and joined the said hospital since its very inception from 1-8-1985. The said hospital was taken over by the Employees State Insurance Corporation (ESIC) with effect from 4-4-2003. In this connection, an MOU was signed on 4-4-2003 between the Government of Assam and the ESIC whereby the existing staff were taken on deputation by the ESIC. The officers and staff of the said hospital were given liberty to give their option for their permanent absorption in the ESIC. Accordingly, the applicant had given her option for absorption in the ESIC.

The terms of absorption prepared by the ESIC have also been agreed to by the State Government. This Hon'ble Tribunal in its judgment dated 3-1-2006 directed the ESIC to implement the terms and conditions contained in the MOU and the draft terms of absorption agreed to by the State Government within a period of 6 (six) months. The State Government also in its letter dated 25-5-2007 requested the ESIC to absorb the deputationists with effect from 4-4-2003.

In spite of the aforesaid, the ESIC authorities have issued the letter dated 23-5-2007 and the office order dated 31-05-2007 repatriating the applicant to her parent department.

The aforesaid letter dated 23-05-2007 and office order dated 31-05-2007 being wholly illegal, arbitrary, unreasonable and discriminatory are under challenge in the instant application.

Filed by :-

Sanghamitra Das Bhuyan  
Advocate 18.6.07

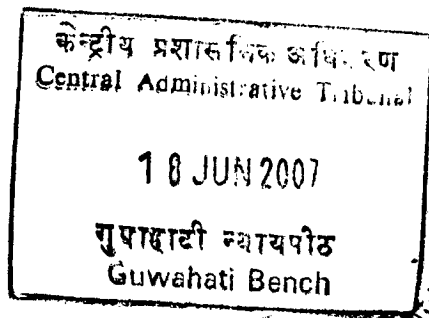
LIST OF DATES

1. 31-07-1985 — Applicant appointed as tailor in the ESI hospital at Beltola, Guwahati - 22.
2. 1-8-1985 — The ESI hospital at Beltola, Guwahati started functioning.
3. 1987 — Applicant allotted official quarters in the said hospital compound. She is residing there since then.
4. 16-02-2001 — ESIC decided to set up some model hospitals in the country including by taking over and upgrading the existing ESI hospitals.
5. 4-4-2003 — The said hospital at Beltola was taken over by the ESIC. MOU signed between the Government of Assam and the ESIC. All the existing staff were taken on deputation.
6. 17-04-2003 — All the existing staff were placed at the disposal of the ESIC on deputation w.e.f. 4-4-2003.
7. 9-10-2005 — Terms of absorption prepared by the ESIC. Applicant exercised and submitted her option for permanent absorption in the ESIC.
8. 3-1-06 — Judgment and order of this Hon'ble Tribunal passed in OA No.247 of 2004 directing the ESIC to implement the terms and conditions contained in the MOU and the draft terms of absorption as agreed to by the State Government within six months.
9. 8-2-2006 — Interim order passed by this Hon'ble Tribunal in O.A. No.36 of 2006 directing maintenance of status quo.

- 12
10. 26-5-2006 — The State Government wrote to the ESIC conveying its no objection for accepting the terms and conditions stipulated by the ESIC for permanent absorption of the deputationists in the ESIC hospital at Beltola.
11. 25-5-2007 — State Government wrote to the ESIC to take immediate decision for absorbing the deputationists with effect from 4-4-2003
12. 23-5-2007 — Letter issued by the Respondent No.3 informing the applicant that she was being repatriated back to her parent department shortly.
13. 31-5-2007 — Order issued by the Respondent No.3 repatriating the applicant to her parent department.

Filed by :-

*Sanghamitra Das Bhuyan*  
Advocate 18.6.07



District : Kamrup

In the Central Administrative Tribunal,

Gauhati Bench :: Guwahati

[An application u/s 19 of the Administrative Tribunals Act, 1985]

O.A. No. 158 /2007

I. Particulars of the applicant :-

Smt. Kameswari Hazarika,  
Wife of Shri Saki Ram Hazarika,  
Resident of Quarter No.B/II,  
ESIC Model Hospital,  
Beltola, Guwahati - 22.

II. Particulars of the Respondents :-

1. Union of India,  
Through the Secretary to the Government of India,  
Ministry of Labour and Employment.  
New Delhi.
2. Director General,  
Employees State Insurance Corporation,  
Panchdeep Bhawan,  
C I G Marg,  
New Delhi - 2.

3. Deputy ... ..

3. Deputy Director (Administration),  
ESIC Model Hospital,  
Beltola,  
Guwahati - 22.
4. Medical Superintendent,  
ESIC Model Hospital,  
Beltola,  
Guwahati - 22.
5. Commissioner & Secretary to the Government of Assam,  
Labour and Employment Department,  
Assam Secretariat,  
Dispur, Guwahati - 6.
6. Administrative Medical Officer,  
Employees State Insurance Scheme, Assam,  
Zoo Narengi Road,  
Guwahati - 21.

III. Particulars of the order against which the application is made :-

The application is presented against the letter issued by the Respondent No.3 bearing No.432.A.23/11/1/2003-Estt dated 23-5-07 as well as the office order No.114/2007 dated 31-5-2007 issued by the said Respondent No.3.

IV. Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the present application

is ..... ..

is within the jurisdiction of this Hon'ble Tribunal.

V. Limitation :-

The present application is filed within the period of limitation as prescribed in Section 21(1)(a) of the Administrative Tribunals Act, 1985.

VI. Facts of the case :-

1. That the applicant is a citizen of India and a resident of Quarter No.B/11, Employees State Insurance Corporation Model Hospital at Beltola, Guwahati. She is as such entitled to all the rights and privileges guaranteed to the citizens of India by the Constitution of India and the laws framed thereunder.
2. That vide the order dated 31-7-1985 issued by the Respondent No.6, the petitioner was appointed on temporary basis as tailor in the then existing newly created post for the 50 bedded Employees State Insurance (ESI) Hospital at Beltola, Guwahati with effect from the date of joining.

A copy of the said order dated 31-7-85- is enclosed herewith and marked as

ANNEXURE - A.

3. That in terms of the aforesaid order dated 31-07-1985, the petitioner joined her service as tailor in the 50 bedded ESI Hospital at Beltola, Guwahati. It may be mentioned that the said ESI Hospital started functioning from 1-8-1985 and the petitioner was amongst the 1st batch of employees of the said hospital.

4. That....

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g - Kameswar - 24/8/2018

4. That though the petitioner was initially appointed on temporary basis, she has continued in service ever since she joined the said post till date. She has been treated as regular and permanent employee of Government of Assam and has been granted the regular pay scale, including the revised pay scale with annual increments and all related allowances. In this connection, the petitioner was allotted a Government quarter No.B/11) situated in the campus of the said Hospital in the year 1987 and since then she is residing in the said quarter. In this connection, the Superintendent of the said hospital had issued a certificate dated 22-03-2001. Further, the Government of Assam also issued photo identity card to the petitioner. It may also be mentioned that the said post of tailor has been retained by the Government of Assam by issuing retention orders from time to time.

Copies of the certificate dated 22-03-2001 and Government photo identity card are enclosed herewith and marked as ANNEXURES - B and B-1 respectively.

5. That under the initiative of the Ministry of Labour and Employment, Government of India, the Employees State Insurance Corporation (ESIC) in its meeting held on 16-02-2001 decided to set up "model hospitals" in all the states of the country by upgrading the existing ESI hospitals run by the different State Governments in their respective states and taking over of those Hospitals under the fold of the ESIC.

6. That in response to the aforesaid decision, the Government of Assam in the Labour and Employment Department decided to give consent to the proposal for taking up the ESI Hospital at Beltola, Guwahati under the scheme

of model....

18  
Hasegawa  
S. Kameswari



of model hospital of the ESIC and decided to hand over the said hospital to the ESIC. Thereafter, a series of correspondence took place and meetings were held between the authorities of the ESIC and the Government of Assam to work out the detailed modalities relating to the handing over/taking over of the said hospital.

7. That the Government of Assam in the Labour and Employment Department handed over the ESI hospital at Beltola, Guwahati with all the existing infrastructure to the ESIC for its upgradation on 4-4-2003 on the terms and consideration that the existing staff will be placed at the disposal of the ESIC on deputation. Eventually, a Memorandum of Understanding [MOU] was signed between the ESIC and the State Government on 4-4-2003. As per the said MOU, the officers and staff of the ESI Hospital at Beltola as well as those officers and staff of ESI Dispensaries placed at the disposal of the ESIC on deputation were asked to give their option for permanent absorption in the ESIC. It was stated that the deputation of gazetted and non-gazetted officers and staffs of the Government of Assam would be on deputation initially for one year.

A copy of the said MOU dated 4-4-2003 is enclosed herewith and marked as ANNEXURE - C.

8. That following the signing of the MOU on 4-4-2003, the services of the para-medical staff, ministerial staff and Grade-IV staff mentioned in the notification dated 17-04-2003 were placed at the disposal of the ESIC on deputation with effect from 4-4-2003 vide the notification dated

17-04-2003.....

17  
S. Kameswarar, Huzurkote

17-04-2003. The applicant's name appeared at serial No.32 in the said notification.

A copy of the said notification dated 17-04-2003 is enclosed herewith and marked as ANNEXURE - D.

9. That while placing the services of the doctors and staff at the disposal of the ESIC, the detailed terms and conditions of deputation were not precisely spelt out. Subsequently, the ESIC invited options from the deputationists for their acceptance of pay and allowances as per ESIC norms or otherwise during the period of deputation. The officers and staff submitted their options individually, which were forwarded to the Respondent No.4 by the Government of Assam vide its letter dated 17-9-2003. The applicant submitted and exercised her option for pay and allowances as per ESIC norms. Her name appeared at serial No.37 in the list of staff appended to the letter dated 17-09-2003.

A copy of the said letter dated 17-09-2003 is enclosed herewith and marked as ANNEXURE - E.

10. That as per the MOU dated 4-4-2003, all the officers and staff deputed to the ESIC are absolutely free to give their option for permanent absorption in the ESIC as per the existing rules of the Government/ESIC. The ESIC vide its letter dated 9-10-2003 notified certain terms of absorption of the State Government employees on deputation to the ESIC Model Hospital. As per the said terms of absorption, option may be exercised by each employee for

absorption ... ..

18  
Hosaini Kuo  
3- Kamezwa

absorption in the ESIC service or for repatriation to the State Government Service. Only those employees who had a minimum of 2 (two) years service left in the lending department as on 1-1-2006 were eligible to exercise that option.

SB

A copy of the said letter dated 9-10-2003 along with terms of absorption appended therewith are enclosed herewith and marked as Annexure - F.

10. That the applicant exercised and submitted her option for permanent absorption in the ESIC.
11. That one Dr. Pranjit Barman and 18 others working as Medical Officers in the ESIC Model Hospital at Beltola, Guwahati preferred an original application before this Hon'ble Tribunal praying for granting them pay and allowances as per ESIC norms and at par with that of their counterpart in the ESIC with effect from 4-4-2003, for a direction to formulate detailed terms and conditions for their permanent absorption in the ESIC and to absorb them thereafter in the ESIC. They also prayed for other connected reliefs. The said original application was registered as O.A. No.247/2004.
12. That during the proceedings of O.A. No.247/2004, the State Government filed their written statement wherein it practically agreed to the draft terms of absorption prepared and sent by the ESIC. Taking note of the said stand of the State Government, this Hon'ble Tribunal observed that it is a matter for the ESIC to make the draft statement final taking into account

the stand...

S. Karmacharya Hazarika . 19

S. Kameswari Harguwar

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 ESIC Model Hospital. This Hon'ble Tribunal vide the judgment and order dated 3-1-2006 directed the ESIC 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 6 (six) months.

A copy of the said judgment and order dated 3-1-2006 is enclosed herewith and marked as ANNEXURE - G.

13. That the said batch of applicants instituted another original application before this Hon'ble Tribunal alleging that the ESIC was proceeding with selection of fresh doctors. They expressed the apprehension that if appointment is made on the basis of such selection, they would be prejudiced in as much as it would be difficult to implement this Hon'ble Tribunal's order for want of vacancy. The said application has been registered as O.A. No.36/2006. The relief sought for in the said O.A. is for a direction to allow them to continue on deputation till completion of the exercise of absorption in terms of the judgment and order dated 3-1-2006 passed in O.A. No.247/2004 as well as for a declaration that they are entitled to be considered for absorption in terms of the MOU as well as in terms of the aforesaid judgment and order dated 3-1-2006.

SB

14. That this Hon'ble Tribunal vide the order dated 8-2-2006 issued notice in the said case and passed an interim order directing that status quo

as on .....

as on 8-2-2006 should be maintained in respect of those original applicants till the expiry of the period stipulated in O.A. No.247/2004.

Acopy of the said order dated 8-2-2006 is enclosed herewith and marked as ANNEXURE - H.

15. That the Respondent No.5 wrote to the ESIC vide letter dated 9-3-2006 stating that the State Government have no objection for accepting the terms and conditions stipulated by the ESIC for permanent absorption of the deputationists in the ESIC Model Hospital at Beltola. However, the State Government pointed out that all the deputed staff should be absorbed with effect from 4-4-2003 as per the MOU and the options furnished by the deputationists individually. The State Government also certified that there is no departmental proceeding against any of the employees under deputation. This was followed by another letter of the Respondent No.5 dated 26-5-2006 reiterating its stand reflected in its previous letter dated 9-3-2006. The Respondent No.5 further stated that the judgment and order of this Hon'ble Tribunal dated 3-1-2006 may be referred to.

Copies of the above letters dated 9-3-2006 and 26-5-2006 are enclosed herewith and marked as ANNEXURES - I and I-1 respectively.

16. That the applicant fulfills all the terms and conditions for her permanent absorption in the ESIC. She had more than 2 years service left in the lending department as on 1-1-2006. There is no disciplinary proceeding pending

against her....

2.  
Kameswari Huswale

against her. Previously also, no disciplinary proceeding was initiated against her and at no point of time any penalty was imposed on her. The applicant is holding the post of tailor and there is no equivalent post of tailor in the other ESI hospital at Tinsukia, which is under the State Government. The said post is available only at the ESIC hospital at Beltola, Guwahati, being a 50 bedded hospital. Moreover, the applicant has already put in 22 years of service in the said hospital. Though the initial period of deputation was for 1 year, the applicant was allowed to continue in the deputed post for more than 4 year now since 4-4-2003 when the said hospital was taken over by the ESIC.

S. Kurneswari - 22

17. That the Joint Secretary to the Government of Assam, Labour and Employment Department wrote to the Respondent No.4 vide letter dated 25-05-2007 requesting the latter to take immediate decision for absorbing the deputationists doctors and staff working at the ESIC Model Hospital, Beltola with effect from 4-4-2003. It was further stated therein that the same had the approval of the Respondent No.5.

A copy of the said letter dated 25-5-2007 is enclosed herewith and marked as ANNEXURE - J.

18. That while the applicant was expecting a favourable decision from the ESIC regarding her absorption in the ESIC, she was taken aback when she was served with a letter dated 23-5-2007 issued by the Respondent No.3 informing her that she was being repatriated back shortly to her parent department.

A copy . . . . .

A copy of the said letter dated 23-5-2007 is enclosed herewith and marked as ANNEXURE - K.

19. That, thereafter, the Respondent No.3 issued office order No.114 of 2007 dated 31-05-2007 repatriating/releasing the applicant from the ESIC Model Hospital at Beltola, Guwahati on 31-05-2007 to her parent department i.e. the Office of the Respondent No.6. The applicant was advised to report to her parent department immediately.

A copy of the said office order dated 31-05-2007 is enclosed herewith and marked as ANNEXURE - L.

20. That the applicant has not yet handed over the charge at the ESIC hospital. Presently she is on leave. As such, she has not yet reported to her parent department. The order dated 31-05-2007 has not yet been given effect to.
21. That the applicant states that none of the other staff in the ESIC Model Hospital at Beltola, who are on deputation, have been issued any such repatriation/release orders as has been done in the case of the applicant. The applicant further states that she is being repatriated for the sole purpose of getting her official quarters vacated.
22. That aggrieved by the aforesaid action of the ESIC authorities in not absorbing her permanently in the ESIC and instead issuing an order of repatriation, the applicant has preferred the present application before this Hon'ble Tribunal.

2. Kameswari H. K. K. K.

VII. Grounds :-

1. For that the impugned order of repatriation is bad in law as well as on facts and the same is as such liable to be set aside and quashed.
2. For that it was agreed upon by the ESIC as well as by the Government of Assam by signing the MOU on 4-4-2003 for permanent absorption of the doctors and staff serving in the ESIC model hospital, Beltola at Guwahati who were taken on deputation at the time of taking over the said hospital by the ESIC. Therefore, the applicant has acquired a valuable legal right for consideration of absorption in the ESIC.
3. For that in O.A. No.247/2004, the State Government in its written statement stated that it agreed to the draft terms of absorption prepared and sent by the ESIC. Taking note of the said stand of the State Government, this Hon'ble Tribunal vide the judgment and order dated 3-1-2006 directed the ESIC 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.
4. For that the ESIC has not carried out the exercise as directed by this Hon'ble Tribunal vide the judgment and order dated 3-1-2006. Without carrying out the said exercise, the ESIC authorities issued the impugned communication dated 23-05-2007 and the impugned order dated 31-05-2007. Those are in violation of the directions of this Hon'ble Tribunal and are as such liable to be set aside and quashed.

5. For,,,,,,,

S. Kameswari Haseen

SB



5. For that this Hon'ble Tribunal in a subsequent O.A. filed by a group of doctors of the ESIC hospital has passed an interim order dated 8-2-2006 directing the ESIC authorities not to take action prejudicial to their interest, further clarifying that status quo as regards their services should be maintained. The matter regarding the permanent absorption of the doctors and staff in the ESIC hospital at Beltola, Guwahati is under the active consideration of this Hon'ble Tribunal. Therefore, it is highly improper and unjustified on the part of the ESIC authorities to have issued the impugned communication and order.
6. For that the State Government had already accepted the draft terms and conditions for absorption of the deputationists in the ESIC. The State Government vide its recent communication dated 25-5-07 has requested the ESIC authorities to take immediate decision for absorbing the deputationist doctors and staff working at the ESIC Model Hospital, Beltola with effect from 4-4-2003. In view of the aforesaid, the impugned communication and order are totally uncalled for and unwarranted.
7. For that the applicant has rendered more than 4 years of service on deputation. In that view of the matter and also in view of the attending facts and circumstances, the applicant has a right of consideration for absorption in the ESIC. The ESIC authorities have failed to consider the said case of the applicant and the same has caused serious prejudice to her.
8. For that the applicant fulfills all the terms and conditions for absorption in the ESIC. The applicant further submits that there is no equivalent post of

tailor . . . .

S. Kameswari Hazarika

tailor in her parent department. In that view of the matter and considering the MOU dated 4-4-2003 and the judgment of this Hon'ble Tribunal dated 3-1-2006, the question of repatriating the applicant to her parent department does not arise.

9. For that the impugned action is arbitrary, unreasonable and discriminatory. The same is being influenced by extraneous considerations for achieving collateral purpose.

10. For that after signing the MOU, the ESIC authorities cannot now go back and resile from their declared stand and commitment.

11. For that the impugned communication and order are wholly untenable and those are as such liable to be set aside and quashed.

VIII. Details of the remedies exhausted :-

The applicant declares that there is no other alternative remedy available to her.

IX. Matter not previously filed or pending with any other Court :-

No applicant<sup>ion</sup> or suit of the applicant in respect of the present subject is pending before any other court/tribunal.

X. Reliefs sought :-

Under the circumstances, the applicant therefore prays for the following reliefs :-

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G. Kameswari

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- [i] to set aside and quash the letter bearing No.432.A.23/11/1/2003-Estt dated 23-5-2007 issued by the Deputy Director (Administration), ESIC Model Hospital, Beltola, Guwahati - 22 (Annexure - K);
- [ii] to set aside and quash the office order No.114 of 2007 dated 31-05-2007 issued by the Deputy Director (Administration), ESIC Model Hospital, Beltola, Guwahati - 22 (Annexure - L);
- [iii] pass such order/orders as may be deemed fit and proper.

S. Kameswari

XI. Interim order prayed for :-

The applicant prays for the following interim order —

- [1] to stay/suspend the operation of the office order No.114/2007 dated 31-05-2007 issued by the Deputy Director (Administration), ESIC Model Hospital, Beltola, Guwahati - 22 (Annexure - L);
- [2] pass such interim order/orders as may be deemed fit and proper.

XII. Particulars of the postal order :-

SB

Postal Order No.	:	346 654315
Date	:	18-06-2007
Issuing Office	:	Guwahati GPO
Payable at	:	Guwahati GPO

XIII. List of enclosures :-

An index showing the particulars of documents is enclosed.

Verification .....

Verification

I, Smt. Kameswari Hazarika, wife of Shri Saki Ram Hazarika, aged about 49 years, by profession - service, resident of Quarters No.B/11, ESIC Model Hospital compound, Beltola, Guwahati - 22, do hereby say that I am the applicant in this case. I have verified the statements made in the original application. The statements made in this paragraphs. I to XIII are true to my knowledge and that I have not suppressed any material facts.

I sign this verification this the 18th day of June, 2007 at Guwahati.

S. Kameswari Hazarika

- 17 -

# ANNEXURE - A<sup>a</sup>

OFFICE OF THE ADMINISTRATIVE MEDICAL OFFICER: E.S. I. SCHEME:  
ASSAM: DISPUR: GUWAHATI- 6.

## ORDERS.

No. APD/O-2/85/1679 Subject to discharge without  
notice and without assigning any reasons thereof Shri. Kampani  
Harzari Ka son of Shri. Late Ratanwar Baruah  
of village Kampan P.O. Kampan Dist. Nongpoh  
under the P.S. Kampan is hereby appointed on purely  
temporary basis as Gr. IV in the existing newly created posts vide  
Govt. sanction letter No. G.I.R/591/84/58 -dt. 11-6-85  
for 50-bedded ESI Hospital, Doltola, Guwahati in the scale  
of pay of B. 370-5-420-7-490/- plus other allowances as  
admissible under the existing rules with effect from the date  
of joining.

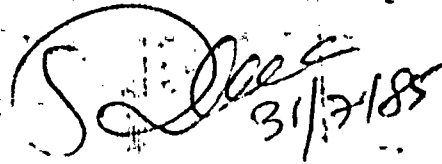
Administrative Medical Officer,  
ESI Scheme, Assam, Guwahati- 6.

Order No. APD/O-2/85/1680-83

Dt. 31-7-85

Copy to:-

1. The Accountant General, Assam, etc. Shillong for favour of information.
2. Dr. M.D. Chamus, IASOI attached to 50-bedded ESI Hospital, Doltola, Guwahati for information.
3. Shri. Kamiswari Harzari Ka
4. Accounts Branch of this office for information.
5. Link file.

  
31/7/85  
Administrative Medical Officer,  
ESI Scheme, Assam, Guwahati- 6.

COPIES TO BE MADE

  
Assam

OFFICE OF THE SUPERINTENDENT::ESI HOSPITAL::BELTOLA::GUWAHATI

DATED GUWAHATI THE 22ND MARCH 2001.

TO WHOM IT MAY CONCERN

Certified that Smti Kameswari Hazarika, an employee of this Hospital is residing in a Govt. quarter (No. B/11) at E.S.I.Hospital, Campus, Beltola since 1987.



*[Signature]* 22.3.2001.  
Superintendent  
ESI Hospital, Beltola  
Guwahati.  
Superintendent,  
E.S.I. Hospital Beltola,  
Guwahati-22.

certified to be true copy

*[Signature]*

*[Signature]*

PHOTOGRAPH ON CARD

Serial No. 7

GOVERNMENT OF ASSAM

Issued to KAMIE MORTUA

E.S.I. HOSPITAL, BELFOL

(In Block Letters)

Designation TAILOR

(Signature of Issuing Officer)

(Designation)

(Date of Issue)

(Full Signature of the Card Holder)

Date

Created to in 1930

Al

## MEMORANDUM OF UNDERSTANDING

ON THE OUTCOME OF DISCUSSION IN BETWEEN REPRESENTATIVE OF THE ESIC NEW DELHI AND GOVT. OF ASSAM HELD ON 26<sup>TH</sup> DECEMBER IN GUWAHATI REGARDING HANDING OVER OF ESI HOSPITAL BELTOLA TO ESIC FOR UPGRADATION TO A MODEL HOSPITAL.

In pursuance of the decisions arrived at in the meeting of the ESIC held on 16<sup>th</sup> Feb/2001 regarding upgradation of the ESI hospital, Beltola to a MODEL HOSPITAL and the decisions communicated to the Govt. of Assam vide DO No. V-13/14/2002-Med-dated 17/5/2001 and taking into consideration all the parameters for better facilities to be extended to the beneficiaries under the ESI Act, 1948, the Labour and Employment department, Govt. of Assam have decided to give consent on the proposal of ESIC and to handover the ESI Hospital, Beltola to ESIC for its upgradation to a MODEL HOSPITAL and communicated the State Govt.'s decision to ESIC and Govt. of India vide letter No. GLR 131/2001/123 dated 22/11/2002 and No. GLR 131/2001/125 dated 12/12/2002 respectively.

And whereas, in response to the RD's letter 3-V. 21/23/99-BFT dated 2/12/2002 and in consideration of the terms and considerations communicated vide letter no V-13/14/2001/Med-(call-II) dated 7/12/02 the Labour and Employment Department and Govt. of Assam have decided to handover the ESI Hospital Beltola to ESIC on 31/12/2002 for its upgradation to a "MODEL HOSPITAL" by the ESIC on terms and consideration communicated to secretary, Ministry of Labour vide letter No GLR 131/2001/169 dated 16/12/2002.

And now, it is, therefore, in pursuance of the RD's letter No 43-V-21/23/99-BFT dated 23/12/2002 and taking into consideration of the decision of the joint meeting held on 26/12/2002 at Guwahati, the Govt. of Assam is pleased to handover the ESI Hospital Beltola with all the existing infrastructure of the ESI Hospital, Beltola to ESIC for its upgradation on 04/03/2003 on the terms and consideration that the existing staff (Gazetted and Nongazetted) working in the ESI Hospital, Beltola and ESI dispensaries (where necessary) indicated in the enclosed Annexure as well as in the other existing staff under ESI scheme in Assam will be placed at the hospital of ESIC on deputation under the existing rules of the Govt./ESIC as per requirement of the ESIC norms.

And whereas, the officers and staff of the ESI Hospital, Beltola & officers and staff of ESI dispensaries are placed at the disposal of ESIC initially on deputation, they are asked to give their option to accept the scale of pay in respective of cadre/categories of posts in the ESIC as per existing norms/rules of the ESIC.

And now, it is also further indicated that the officers and staff deputed to ESIC are absolutely free to give their option for permanent absorption in the ESIC as per existing rates of the Govt./ESIC. The deputation of Gazetted and Nongazetted-Officers and Staff of Govt. of Assam will be on deputation initially for-1 (one) year.



And whereas, the complete setup of the ESI Hospital, Beltola under the ESI scheme in Assam as provided in the ESI Act, 1948 is handed over to ESIC as mutually agreed terms and conditions and in consideration of the socio-economic conditions of the people in the areas, the ESIC will extend their all facilities to the beneficiaries under the ESI Act, 1948 as well as to the people of Assam in general.

And whereas, the matter of further employment in the cadre of doctors, specialists and other medical Officers, paramedical staff will be on contractual basis. The other staff against the posts in Hospital Management Information system including computers, Public Relations, Training and CME Programmes etc. in all the functional areas of MODEL HOSPITAL has been agreed by the ESIC to be considered for employment on priority basis as sponsored by Labour and Employment Department, Govt. of Assam for appointment by the ESIC. The ESIC will take further action on these agreed terms and conditions as per rules of ESIC. The Officers and Staff deputed and on contractual basis will have to give their option for their absorption in ESIC after the period of deputation.

It is also decided to constitute a Hospital Advisory Committee for MODEL HOSPITAL Beltola for taking steps for upgradation of the hospital suiting to the condition of Assam with representative of the Govt. of Assam. The committee will monitor the development activities and purchase of materials and equipments for upgradation of the Hospital.

The ESI Hospital Beltola is formally handed over to ESIC on today for its upgradation to a MODEL HOSPITAL in the interest of social security of the industrial workers in particular as well as the people of Assam in general.

Paras A & B are not accepted by the representatives of ESIC. These proposals will be sent to H.Q. ESIC for consideration.

Signature of the representative of ESIC.  
(Taking over)

*Paikice*  
04/4/03  
(ROMENSAIKIA)  
REGIONAL DIRECTOR, ESIC

Signature of the State Govt. representative.  
(Handing over)

*Deepest*  
4-4-2003  
(G. L. Sarma)  
Joint Secy, Labour & Empl  
Govt. of Assam, Gauhati

*04/4/03*  
(C.R. K. PAL)  
Med. Supt. B.S.I. Model  
Hospital, Beltola, Guwahati

*4/4/03*  
Dr. (H.S.) L. H. Gupta

*04/4/03*  
(C.R. Paul)  
Dy. Director (R)  
ESIC, Gauhati

*4/4/2002*  
(L. D. D. D. D.)  
DIRECTOR (DTH)  
ESIC - GUWAHATI

Original is in the file.

*de*

## GOVERNMENT OF ASSAM LABOUR AND EMPLOYMENT DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFIED

Dated Dispur, the 17th April 2003.

NO. GLR. 121/2003/9 : In pursuance of the decision of the Govt. vide letter No. GLR. 131/2001/Pt/12 dt. 17.2.2003 and MOU signed on 4-4-2003 in between the representatives of the ISU and the Govt. of Assam and in the interest of public service, the services of the following Para-medical staff, ministerial staff and Ge. IV staff are hereby placed under the disposal of model Hospital, Daltola under the ESI corporation on deputation w.e.f. 04-04-2003.

### A. Nursing staff

- |                               |                |
|-------------------------------|----------------|
| 1. Mrs. Mangali Kar Barbhuyan | Asstt. Matron. |
| 2. " P.P. Shyam               | Head sister.   |
| 3. " Bhogamai Das             | Staff Nurse.   |
| 4. " Nayantra Hatimuria       | -do-           |
| 5. Miss Dharati, Kundu        | -do-           |
| 6. " Esther Murmu             | -do-           |
| 7. Mrs. Binita Deka           | -do-           |
| 8. Mrs. Arati Bora.           | -do-           |
| 9. " Rekha Gogoi.             | -do-           |
| 10. " Una Deka.               | -do-           |
| 11. Miss M.K. Khamshyam       | -do-           |
| 12. Mrs. Mrinalini Duarah     | -do-           |
| 13. " S Goldsmith             | -do-           |
| 14. " A. Kumuni               | -do-           |
| 15. " S. Khimory              | -do-           |
| 16. " Lily Sadhanidhar        | -do-           |

### B. Pharmacist.

- |                                |             |
|--------------------------------|-------------|
| 17. Shri Nalini Kumar Adhikary | Pharmacist. |
| 18. Shri Prabin Bora           | -do-        |
| 19. Shri Munindra Bora         | -do-        |
| 20. " Bijay Kalita.            | -do-        |

### C. Laboratory Technician staff.

- |                         |           |
|-------------------------|-----------|
| 21. Shri Surajit Sarkar | Lab Tech. |
| 22. Shri Rabin Kalita   | -do-      |
| 23. Shri Subhash Das.   | -do-      |
| 24. Shri Utpal Deka.    | -do-      |

### D.U.T. Assistant.

- |                          |               |
|--------------------------|---------------|
| 25. Mrs. Rukmini Daimary | D.U.T. Asstt. |
|--------------------------|---------------|

### E. X-ray Staff.

- |                          |                   |
|--------------------------|-------------------|
| 26. Shri Gopinath Bori   | Radiographer.     |
| 27. " Munindra Bora      | X-Ray Technician. |
| 28. " Lakhi Kanta Gogoi. | D.R. Asstt.       |

### F. Dresser Staff.

- |                           |          |
|---------------------------|----------|
| 29. Mrs. Krichna Das Bora | Dresser. |
| 30. Syed Intezul Haque    | -do-     |

### G. Linon Keeper.

- |                     |               |
|---------------------|---------------|
| 31. Mrs. Manju Das. | Linon Keeper. |
|---------------------|---------------|

### H. Tailor.

- |                            |         |
|----------------------------|---------|
| 32. Mrs. Kamawazi Hazarika | Tailor. |
|----------------------------|---------|

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
SECRETARY (PERSONNEL)

I. Ministerial Staff.

- |     |                           |             |
|-----|---------------------------|-------------|
| 33. | Mrs. Dalimi Saikia        | U.D. Asstt. |
| 34. | " Puspakata Phukan        | L.D. Asstt. |
| 35. | Shri Krishna Kanta Barman | -do-        |
| 36. | Shri Sanjib Pradhan       | -do-        |
| 37. | Mrs. Dipa Buragohain      | U.D. Asstt. |
| 38. | Shri Nareswar Buragohain  | L.D. Asstt. |
| 39. | Mrs. Asha Changmai        | -do-        |
| 40. | Shri Khagen Buragohain    | -do-        |
| 41. | Shri Khagen Gogoi         | -do-        |

J. Gr. IV Staff.

- |     |                            |                |
|-----|----------------------------|----------------|
| 42. | Shri Jitendra Nath Das     | Peon.          |
| 43. | " Mahesh Haloi             | "              |
| 44. | Shri Kartik Hamrang        | "              |
| 45. | Shri Susil Gogoi           | Telephone Att. |
| 46. | " Babuli Teron             | -do-           |
| 47. | Mrs. Bulu Das              | -do-           |
| 48. | Shri Kabi Chandra Talukdar | -do-           |
| 49. | Shri Khageswar Das         | -do-           |
| 50. | Shri Dilip Talukdar        | -do-           |
| 51. | Shri Raghunath Bhuyan      | -do-           |
| 52. | Shri Balabhadra Daishya    | -do-           |
| 53. | Shri Jonaram Das           | -do-           |
| 54. | Mrs. Chaki Das             | -do-           |
| 55. | Miss Mina Saikia           | -do-           |
| 56. | Mrs. Rashmi Rabha          | -do-           |
| 57. | Mrs. Tileswari Bora        | -do-           |
| 58. | Mrs. Maya Chakravarty      | -do-           |
| 59. | Shri Ramani Daishya        | -do-           |
| 60. | Shri Sidheswar Dhatta      | -do-           |
| 61. | Shri Madan Kalita          | -do-           |
| 62. | Mrs. Munomala Gogoi        | -do-           |
| 63. | Shri Khagen Saikia         | Gr. IV.        |
| 64. | Shri Kanthi Saikia         | -do-           |
| 65. | Shri Gouri Kanta Mali      | -do-           |
| 66. | Shri Trilokya Saikia       | -do-           |
| 67. | Shri Durgeswar Buragohain  | -do-           |
| 68. | Shri Munna Dasfore         | -do-           |
| 69. | Mrs. Sajuni Dasfore        | -do-           |
| 70. | Shri Bahadur Dasfore       | -do-           |
| 71. | Mrs. Basmati Dasfore       | -do-           |
| 72. | Mrs. Radhi Dasfore         | -do-           |
| 73. | Mrs. Mahalaxmi Dasfore     | -do-           |
| 74. | Shri Narayan Dasfore       | -do-           |
| 75. | Shri P. Appareo            | -do-           |
| 76. | Shri Sipahilal Rajak       | -do-           |
| 77. | Shri Prabha Bora           | -do-           |
| 78. | Shri Diren Ch. Das         | -do-           |
| 79. | Shri Naban Ch. Das         | -do-           |

12/11/55

ll

GOVERNMENT OF ASSAM  
LABOUR AND EMPLOYMENT DEPTT. DISPUR.

NO.GLR.153/2003/Pt.I/133 Dated Dispur, the 17th Sept. 2003.

From: Smti P. Gupta,  
Joint Secretary to the Govt. of Assam,

To: The Medical Superintendent,  
ESI Model Hospital, Beltola,

Sub: Option of pay of Doctors and Staff on deputation  
at ESI Model Hospital, Beltola.

Sir,

I am directed to forward herewith the option of  
pay in respect of all the Doctors and the staff deputed  
to ESI Model Hospital, Beltola, Guwahati as per list  
enclosed alongwith the liabilities and Service Records  
for taking necessary action at your end.

Yours faithfully,

*(Signature)*  
17-9-03

Joint Secretary to the Govt. of Assam,  
Labour and Employment Department, Dispur.

*17/9/03*  
MEMO.NO.GLR.153/2003/Pt.I/133-A, Dated Dispur, the 17th Sept 03

Copy to:- The Administrative Medical Officer, ESI Scheme,  
Assam, Guwahati - 21 for information with reference  
to her letter NO.PAY/ Option/Liabilities/Service  
Record/Deputation/MH/ 03/3724 dtd. 4-7-2003.

By order etc.,

Joint Secretary to the Govt. of Assam,  
Labour and Employment Department, Dispur.

\*\*\*\*\*

*Optim*

certified to be true copy

*(Signature)*

*(Signature)*

List of Doctors who have exercised their options for pay and allowances as per ESIC Norms.

<u>Name of Doctor</u>	<u>Qualification</u>
1. Dr. G. R. Sarma.	MS (Surg)
2. Dr. (Mrs) K. Bora	DMCW, MD (Paed)
3. Dr. (Mrs.) Makam Sarma	(MD {O&G})
4. Dr. P. K. Bardoloi	MS (Surg)
5. Dr. C. Choudhury	MD (O&G), FLCOG
6. Dr. (Mrs) S. Katak	DA (Anaesth)
7. Dr. (Mrs) Mala Hazarika	DCP (C. N. H.)
8. Dr. Ajit Kumar Sarma	DCII (Paed)
9. Dr. D. C. Borborah	MD (Med)
10. Dr. N. M. Das	MD (O & G)
11. Dr. P. K. Sarma	DLO (ENT)
12. Dr. N. K. Gogoi	D.O (Oph)
13. Dr. A. K. Saikia	MS (Oph)
14. Dr. T. K. Bhuyan	DIH (Occ. Med)
15. Dr (Mrs) P. Hazarika	DA (Anaesth)
16. Dr. (Mrs) M. Baishya	MD (O & G)
17. Dr. (Mrs) Mandira Sarma	MS (ENT)
18. Dr. Pranjit Barman	MD (O & G)
19. Dr. B. Banikya.	MBBS
20. Dr (Mrs) S. Lahkar.	MBBS
21. Dr (Mrs) Hiranmayee Sharma	MBBS.
22. Dr (Mrs) Sikha Sarma	MBBS
23. Dr (Mrs) Karabi Kalita	MBBS
24. Dr. K. Tumung	MBBS
25. Dr. B. Rongsong	MBBS

-26-

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LIST OF STAFF WHO HAVE SUBMITTED & EXERCISED  
THEIR OPTION FOR PAY & OTHER ALLOWANCES AS PER  
ESIC NORMS.

<u>LIST OF INCUMBENT</u>	<u>DESIGNATION</u>
1. Miss Dalini Saikia	U.D. Asstt.
2. Smti Puopalata Phukan	L.D. Asstt.
3. Shri Nareswar Buragohain	U.D. Asstt.
4. Shri Sanjib Pradhan.	L.D. Asstt.
5. Krishna Kanta Barman	L.D. Asstt.
6. Dipa Buragohain.	- do -
7. Khagen Buragohain.	-do-
8. Khagen Gogoi.	-do-
9. Mangali Kar Barbhuyan	Asstt. Matron.
10. Punya Prabha Shyam.	Ward Sister.
11. Bhogemai Das.	Staff Nurse.
12. Nayan tora Bharali	-do-
13. Mis N.K. Kham Shyam	-do-
14. Smti Sumpi Khinory	-do-
15. Smti Bharati Kundu.	-do-
16. Smti Rekha Gogoi.	-do-
17. Smti Arati Bora.	-do-
18. Smti Sirawon Gelasmita Jajo.	-do-
19. Miss Esther Darm	-do-
20. Smti Mrinalini Buragohain	-do-
21. Smti Lily Sadhanider	-do-
22. Smti Assosi Komuni	-do-
23. Smti Binita Deka.	-do-
24. Smti Uma Deka	-do-
25. Shri Nalini Kumar Adhikary	Pharmacist.
26. Shri Prabin Bora	-do-
27. Shri Munindra Bora,	-do-
28. Shri Bijoy Kalita	-do-
29. Shri Surajit Sarkar.	Laboratory-Technician.
30. Rabin Kalita	-do-
31. Utpal Deka	-do-
32. Smti Rukmini Daimary	O.T. Asstt.
33. Gopi Nath Bori	Radiographer.
34. Shri Munindra Bora.	-do-
35. Smti Krishna Das Bora	Dresser.
36. Syed Intazul Haque	-do-
✓ 37. Smti Kameswari Hazarika	Tailor.
38. Shri Jitendra Nath Das.	Grade IV (Peon)
39. " Gouri Mali	-do- do
40. Shri Durgeswar Buragohain	-do- do
41. " Kanthi Saikia	-do-
42. " Khagon Saikia	-do-
43. " Dilip Talukdar.	-do-
44. " Suchil Gogoi	-do-
45. " Siddheswar Bhutta	-do-
46. " Raghu Nath Bhuyan	-do-
47. " Jonaram Das.	-do-
48. " Babuli Toron	-do-

Cont..2/-

Name of Incumbent.	Designation.
49. Shri Mahesh Ch. Haloi	Grade-IV.
50. Shri Ramani Baishya	-do-
51. Balabhadra Baishya	-do-
52. Khargeswar Das.	-do-
53. Shri Kabi Ch. Talikdar.	-do-
54. Shri Kartik Hebram	-do-
55. Shri Madan Ch. Kalita	-do- (Cook mat)
56. " Trailokya Saikia	-do-
57. " Sipanilal Rajak	-do- (Dhobi)
58. " Tileswari Dora	-do-
59. " Rashmi Rabha	-do-
60. " Meena Saikia	-do-
61. " Bulu Das.	-do-
62. " Chaki Das Saikia	-do-
63. " Monumati Gogoi.	-do- (Cook Mat)
64. " Prabha Dora.	-do- -do-
65. " Mya Chakraberty.	-do- -do-
66. " Bahadur Basfore.	-do- (Sweeper)
67. " Radhi Basfore	-do- -do-
68. " Desmati Basfore	-do- -do-
69. " Sajani Basfore.	-do- -do-
70. " P. Apparew.	-do- -do-
71. " Mahalaxmi	-do- -do-
72. " Narayan Basfore	-do- -do-

# ANNEXURE-F

EMPLOYEES' STATE INSURANCE CORPORATION  
'PANCHDEEP BHAWAN', KOTLA ROAD, NEW DELHI-02

No. A-37(10)/2003-DM(10)

Dated 00.10.03

To  
The Medical Superintendent  
ESI Model Hospital

12.10.03

08.30 am

Sub: Terms of absorption of State Govt. employees deputed to ESI Model Hospital under ESI Corporation.

Sir,  
I am directed to enclose herewith the terms of absorption of State Govt. employees who have been deputed to ESI Model Hospital, for your consideration. It is proposed to absorb such employees in Corporation Service on their tendering resignation from State Govt. service, and acceptance of the same by the State Govt. You are, therefore, requested to circulate the enclosed terms and conditions of absorption among the employees deputed to the Model Hospital, calling for the option of each either for absorption in Corporation service or get repatriated to respective parent cadres. It is, however, pointed out that option need not be called for from following employees as they cannot be absorbed in Corporation service, and have to be repatriated to their respective parent cadres:

- 1) Persons holding such posts in the State Govt. for which no corresponding posts exist in the Corporation.
- 2) A person who has completed 56 years of age as on 1.9.2003.
- 3) An employee against whom any disciplinary proceeding is pending or being contemplated.
- 4) Persons deputed in excess of admissible posts as per ESI Model Hospital.

Receipt of this communications may please be acknowledged.

A copy of form in which option has to be exercised by each employee is also enclosed.

Encl: As above

Copy to:-

1. The Secretary to the Govt. of \_\_\_\_\_, Ministry of \_\_\_\_\_, along with a copy of terms of absorption for information and necessary action.

Yours faithfully  
(D. LAHIRI)  
JT. DIRECTOR (MED.)

JT. DIRECTOR (MED.)

certified to be true copy



ANNEXURE - A

TERMS OF ABSORPTION

- 1 Option may be exercised by each employee for absorption in Corporation service or for repatriation to the State Govt. service. This option may be exercised by each employee who has a minimum of 2 years' service left in the lending Department as on 01/01/2006.
2. Mere exercising of option for absorption in Corporation service shall not confer any right on any employee to claim absorption and the decision of the Corporation in the matter would be final based on consideration of due screening.
- 3 An employee opting for absorption has to resign from State Govt. service and his absorption in Corporation service will take effect from the date of deputation in ESI Corporation or from the date he joins the duty in the ESI Corporation whichever is earlier.
- 4 Seniority of an employee absorbed in the Corporation will be determined either from the date from which one holds the post on deputation or from the date one holds the post in equivalent grade on regular basis in the State Govt. service, whichever is earlier. Seniority of two or more State Govt. employees absorbed in the Corporation service would however, be fixed as per the seniority existing in the State Govt. prior to their absorption. Before absorption an employee will be free to opt for separate institutional seniority i.e. seniority only for the particular hospital. In this case, they will not be transferred outside the hospital even after absorption and the promotions will be based on the institutional seniority only subject to the vacancy in the hospital OR the individuals

can be opt to be part of all India seniority, in which case they will be liable for all India transfer and all India promotional avenues. If opting for institutional seniority, the all India posts and cadres to which they will not be eligible for promotion will be the Medical Superintendent of the Hospital and all officers in the pay scale of Rs. 14,300-18,300 (current NFSG scale).

5. Employees on absorption would continue to work at ESIC Model Hospital \_\_\_\_\_ at the discretion of the Corporation, but they would be under all India transfer liability except for those who have opted for institutional seniority as stated in para 4 above.
6. All the Medical Officers recruited on posts of various designations by the State Govt. for General Duty Medical purposes, on absorption in Corporation service shall be absorbed in the General Duty Medical Officer (Insurance Medical Officers) Sub-cadre only. However, if the doctors were appointed as specialist, irrespective of the fact whether a separate specialist cadre existed in the State Govt. or not they will be absorbed in specialist sub cadre of ESIC.
7. An employee, on absorption in Corporation service, shall have the option to get his past State Govt. service counted for combined pension in ESIC if the State Govt. pays the entire amount of proportionate pensionary liability as per Central Civil Services Pension Rules. An undertaking from the State Govt. would be necessary in this regard that they would discharge their pensionary liability as per Central Civil Services Pension Rules within a reasonable period. Option by the employee in this regard shall be exercised within six months from the date of issue of absorption letter to the employee in the Corporation Service. Option once exercised is final. The

individual can also opt for carry forward of accumulated leave as per the rules on the condition that the State Govt. pays the pro-rata pension contribution and leave salary contribution as per the Rule and in the event of any delay in getting this payment, the amount shall be deducted from the final "on account payment" at the end of the financial year in which the person(s) retired. The employees free to opt to get their terminal payment like gratuity, pension and leave encashment etc. or can avail, the accumulated leave before option and in this case for the purpose of pension rule they will come under the new contributory pension scheme of the Central Govt.

8. In case, an employee opts in favour of counting of this past service, he will be eligible to draw pension in accordance with the Rules of the ESI Corporation for the combined service under the State Govt. and under ESI Corporation on the final retirement / superannuation / voluntary retirement from ESI Corporation. If he resigns from the service of the ESI Corporation, his resignation will be treated as resignation from the State Govt. Service entailing forfeiture of past services including that under the State Govt. and consequent loss of pensionary benefits for combined service.

9. For recoveries of the advances in respect of house building advance, motor car / motor cycle / scooter advance obtained by an employee from his previous employer which are outstanding as on date of absorption in the Corporation service, an employee shall have to liquidate the advance by himself before absorption and if the State Govt. desires, the balance outstanding with the interest as certified by the State Govt. can be deducted by ESIC and paid to the concerned State Govt. periodically.

10. An official on absorption in ESI Corporation service will be governed by ESIC (Staff & Conditions of Service) Regulations, 1959 as amended from time to time.
11. No employee against whom any disciplinary proceeding is pending or who is undergoing the period of penalty, will be absorbed in the Corporation service.
12. 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.
13. Leave accumulated in respect of the employee in the State Govt. service will not be carried forward to ESIC and the employee may either avail of their leave or get encashment of leave from the concerned State Govt. as per their Rule. The duly calculated and audited leave encashment amount will be paid to the employee by ESIC after absorption only in case the State Govt. agrees for recovering the entire amount from the on account payment due to the State Govt. during the same financial years.
14. The accumulated GPF balance plus the interest thereon in respect of a deputationist shall be transferred to ESIC in his new GPF account opened in ESIC, irrespective of the fact whether the absorbee has opted to count his past service or not.

To Dr. D. E. Borbora

- 33 -

**ANNEXURE - G**

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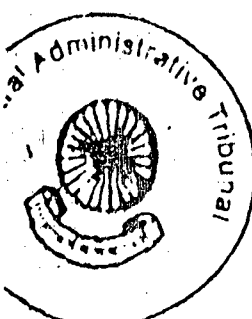
**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

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. Gunabhi Ram Sarma
  11. Dr. (Mrs) Sikha Sarma
  12. Dr. Karahi 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) Nakan 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 -

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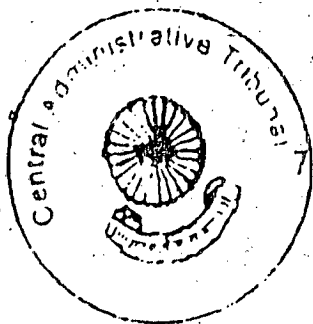
1. The Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Labour and Employment  
New Delhi.
2. The Director General  
Employee's State Insurance Corporation  
Panchadeep Bhawan  
Kotla Road  
New Delhi - 110 002.
3. The Medical Commissioner  
Employee's State Insurance 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  
Beltola, Guwahati-781 022  
Assam.
6. The Commissioner and Secretary  
to the Government of Assam  
Labour and Employment Department  
Dispur, Guwahati-781 006.  
  
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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*[Signature]*



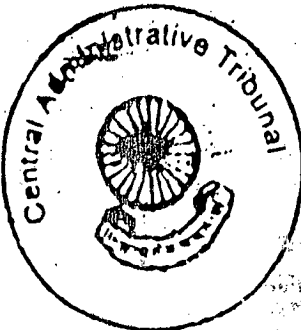
O R D E R (ORAL)

SIVARAJAN, J. (V.C.) :

The applicants 19 in number are working as Medical Officers in the ESI Model Hospital, Beltola, 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

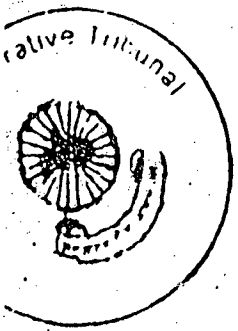


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stated that pursuant to the terms and conditions contained in the MOU the applicants and the other staff were asked to give their option to accept the scale of pay in respective cadre/categories of posts in the ESIC as per the existing norms/rules of the ESIC and that the applicants, pursuant to same, had given their option as early as in 2003. It is 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.



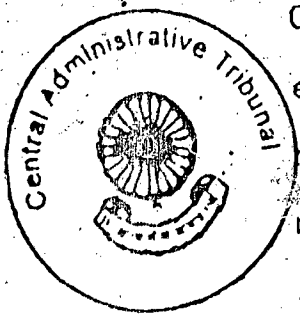
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3. We have heard Dr.J.L.Sarkar assisted by Mr.M.Chanda, learned counsel appearing for the applicants, Mr. B. C. Pathak, learned counsel for the ESIC and Mrs.M.Das, learned Govt. Advocate for the State of Assam. Dr. Sarkar submits that according to 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.

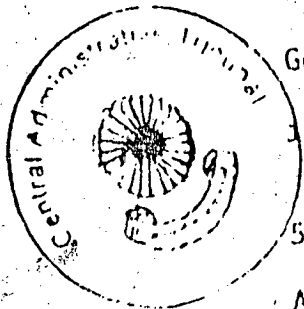


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4. Mr. B. C. Pathak, counsel appearing for the ESIC submits that the ESIC has brought out a scheme in the 122nd Meeting of the ESIC held on 20.2.2002 for setting up model ESI Hospitals in 15 places in different States and it is pursuant to the said 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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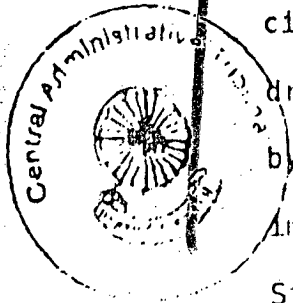
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statement wherein the State Government had practically approved the draft terms and conditions and therefore there is no difficulty for the ESIC to proceed with the matter. Mrs. Das further submits that the State Government has already instructed the 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.



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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 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, 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)

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

*N. Srinivas*  
 Section Officer (Judl)  
 C. A. T. Guwahati Bench  
 12/1/06

certified to be true copy  
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*[Signature]*

-41 SL No 37

ANNEXURE-H

(Sd/-)   
 CENTRAL ADMINISTRATIVE TRIBUNAL

25/6/06

2-2/06

DEE SHEET

36/06

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(s)

Respondent(s)

Advocate for the applicants

Advocate for the respondent(s)

Notes of the proceedings

Dr. P.K. Sharma & sons (18)

U. O. I. & sons

J.L. Sarkar

M. Chanda, G.N. Chakrabarti

S. Nath

CGSC

Rly. St. Counsel

Order of the Tribunal

08.02.2006 Present: Hon'ble Sri K. V. Sachidanandan, Vice-Chairman

Heard: Dr. J.L. Sarkar, learned

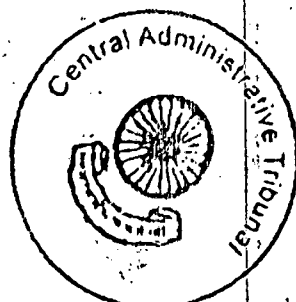
counsel for the applicants, Mr. G. Baishya,

learned / Sr. C.G.S.C., on behalf of

respondents No. 1 to 4 was present.

The applicants are all Doctors under Government of Assam as Medical and Health Officer - I. The Government of India and the Employees' State Insurance Corporation (ESIC) in a meeting decided to take over the existing ESI Hospital run by the State Governments to convert into Model Hospital to be run by the ESIC. The ESIC conveyed the decision to the State Government for consent. The Government of Assam communicated the consent to the Government of India and ESIC and decided to hand over the ESI Hospital to ESIC. The applicants were on deputation to the ESIC. While so they have filed the

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CHIEF JUSTICE

Dr.

Dr.

03.02.2006

Original Application No. 247/2004 and by

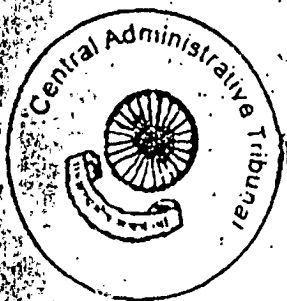
order dated 03.01.2006, considered terms and conditions contained in Memorandum of Understanding (MOU) entered into between the parties and also observed as follows:

"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 with 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."

Therefore, it is quite evident that six months time has been granted to the respondents for implementation of 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 reply statement.

Direction to be complied with will expire on 2nd July 2006. In the meantime, the materials placed on record reveal that the respondents, ESIC is proceeding with selection for fresh Doctors from the open market. Four Doctors have already been selected. The apprehension of the applicants is that if such appointment is made they will be prejudicially affected/ would be difficult in implementing the Court's order for want of vacancy. Therefore, the O.A. has been filed.

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CHIEF JUSTICE

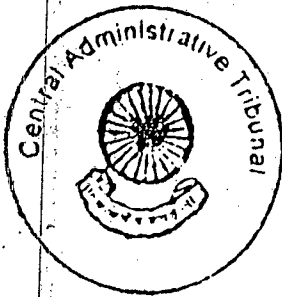
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08.02.2006

When the matter came up for admission hearing, this Court is of the view that notice has to be issued to the respondents. Accordingly, issue notice to the respondents. Six weeks time is given to the respondents to file reply statement.

Counsel for the applicants also insisted for an interim order to the effect that their interest should not be affected by virtue of such recruitment. On going through the materials placed on record, this Court passes an interim order directing the respondents not to take action prejudicial to the interest of the applicants. In other words as far as the applicants are concerned, status quo as on today shall be maintained till the expiry of the period stipulated in O.A. 247/2005.



Post on 24.03.2006.

Sd/- VICE CHAIRMAN

Date of Application : 8.2.06  
Date on which copy is ready : 8.2.06  
Date on which copy is delivered : 8.2.06  
Certified to be true copy

N. S. S. P.  
8.2.06  
Section Officer- (J. dl)  
C. A. T. Guwahati Bench  
Guwahati S.

8/2/06

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GOVERNMENT OF ASSAM  
LABOUR & EMPLOYMENT DEPARTMENT

No. GLR.131/2001/Pt-III/70 Dated Dispur, the 9th March, 2006.

From : Shri B.B. Hagjer, IAS,  
Commissioner & Secretary to  
the Govt. of Assam.

To : The Medical Commissioner,  
ESI Corporation, Panchdeep Bhawan,  
Kotla Road, New Delhi-110002.

Sub : Terms & Conditions of absorption of the  
State Govt. Employees Working on deputation in  
the Model Hospital, ESI Corporation, Beltola.

Ref : Your letter No. A-37 (18)1/2003/Med-IV  
dated 03.06.2005.

Madam,

With reference to the letter on the subject quoted above, I am directed to say that the State Govt. have no objection for accepting the terms & conditions stipulated by the ESI Corporation for permanent absorption of the deputationists in the Model Hospital, ESI Corporation, Beltola. However the following points should be taken into consideration while the deputationists are permanently absorbed in ESI Corporation.

1. All the Doctors, Para-Medical, Ministerial and Gr.IV Staff deputed in the Model Hospital, ESI Corporation, Beltola, Guwahati vide this Deptt's Notification No.GLR.121/2003/8 dtd. 10.04.2003 and GLR 121/2003/9 dtd. 17.04.2003 should be absorbed since 04.04.2003 as per M.O.U. and options furnished by the deputationists individually.

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However, the State Govt. have no objection for absorption of all Doctors and Staff w.e.f. 04.04.2003 in the ESI Hospital, Beltola, Assam.

2. All the Doctors working under the State Govt. as M & H.O.I and under ESI Corporation as the M.O. should be absorbed as TMO 1 in stead of M & H.O.I and \_\_\_\_\_

3. Doctors who have completed 4 years of regular service in the State Govt. and who have opted for absorption may be posted as Senior Medical Officer (SMD).

(a) Doctors who have completed 10 years of regular service in the State Govt. and who have opted for absorption may be posted as Chief Medical Officer (CMO).

4. All deputationists holding PG Degree/PG Diploma such as MD/MS/Diploma who are eligible for appointment as Specialist as per norms of ESI Corporation should be appointed/absorbed as Specialist/Special Cadre against the existing vacancy.

5. Regarding recovery of advance taken by the deputationists, the State Govt. is agreeable that recovery should be made by the ESI Corporation from the deputationists per month from their salary Bill and the same may be deposited by the ESI Corporation to the fund of the State Govt.

6. The State Govt. have already certified that there is no Departmental proceedings against any of the employees

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under deputation.

7. Counting of past services (State Govt.) towards pensionary benefit etc. will be guided as per provision of Rule 98 of Assam Services (Pension) Rules, 1969. The State Govt. is agreeable to Credit/Forward the pensionary liabilities/Leave Encashment/Leave at Credit/Gratuity/GPF etc. to the fund of ESI Corporation from the date of absorption i.e. from 04.04.2003.

This is for favour of your necessary action.

Yours faithfully,

Sd/- illegible,  
Commissioner & Secy. to the  
Govt. of Assam,  
Labour & Employment Department.

COPIED TO 20 May 2003  
Sd/-

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-47-

**ANNEXURE-I.**

GOVERNMENT OF ASSAM  
LABOUR & EMPLOYMENT DEPARTMENT

No. GLR. 131/2001/Pt-III/74

Dated Dispur, the 26th May/2006. 59

From : Shri B.B. Hagger, IAS,  
Commissioner & Secretary  
to the Govt. of Assam,  
Labour & Employment Deptt.

To : The Medical Commissioner, ESI Corporation  
Panchdeep Bhawan, CIG Road,  
New Delhi-2.

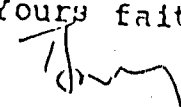
Sub : Terms & Conditions of absorption of the State  
Govt. Employees Working in the Model Hospital  
ESI Corporation, Beltola.

Ref : Your letter No. A-37(18)1/2005-DM(HQ) Dtd. 31-03-2006.  
Madam,

With reference to the letter on the subject quoted above, I am to state that the Govt. of Assam, Labour & Employment Department reiterates its stand on the conditions as intimated earlier vide this Deptt's letter No. GLR. 131-2001/Pt-III/70, dtd. 09-03-2006 that the date of absorption should be from 04-04-2003 not 01-01-2006.

In this connection the judgement dt. 03-01-2006 of the Hon'ble Central Administrative Tribunal Communicated vide this Department letter No. GLR. 336/2004/90 dt. 24-02-2006 may also kindly be referred to.

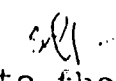
Yours faithfully,



  
Commissioner & Secy. to the Govt. of Assam  
Labour & Employment Department, Dispur

Memo No. GLR. 131/2001/Pt-III/74-A, Dtd. Dispur, the 26th May/2006.  
Copy to :-

1. The Deputy Medical Commissioner, ESI Corpn.  
Panchdeep Bhawan, Kotla Road, New Delhi.
2. The Regional Director, ESI Corpn, Assam,  
N.E. Regopm, Damunimaikan, Guwahati-21.
3. The Medical Supdt. Model Hospital, ESI Corpn.,  
Beltola, Guwahati-22.

By order etc.,

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

COPIES TO BE MADE  
  


48  
**ANNEXURE - J**

GOVERNMENT OF ASSAM  
LABOUR & EMPLOYMENT DEPARTMENT

b<sup>0</sup>

No.GLR.131/2001/Pt-III/112

Dtd.Dispur,the 25th May,2007.

From : Shri P.P.Barooah,ACS,  
Joint Secy.to the Govt.of Assam.

To : The Medical Commissioner,  
ESI Corporation,  
Panchdeep Bhawan,CIG Road, Near Bal Bhawan  
New Delhi-110002.

Sub : Terms & Condition of absorption of the State  
Govt. Employees Working in the Medical Hospital,  
ESI Corporation, Model Hospital,Beltola.

Ref : This state Govt.letter No.GLR.131/2001/Pt-III/74  
dtd 26-05-2006.

Sir,

With reference to our previous letter, on the  
subject quoted above, I am directed to request you kindly  
to take immediate decision for absorbing the deputationist  
Doctors and Staff working at the ESIC Model Hospital, Beltola  
with effect from 04-04-2003.

This has the approval of Commissioner & Secretary,  
Labour & Employment Department, Govt. of Assam.

Yours faithfully,

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

Memo No.GLR.131/2001/Pt-III/112-A,  
Copy to :-

Dtd.Dispur,the 25th May/07.

1. The Director General, ESI Corporation, Panchdeep Bhawan,  
CIG Road, New Delhi-110002 for his kind information and  
necessary action.
2. The Medical Superintendent, ESIC Model Hospital, Beltola  
for information and necessary action.

By order etc.,

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

certified to be true copy.

dh

4/2007

**ESIC MODEL HOSPITAL  
BELTOLA: GUWAHATI 22.**

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

564

Dated: 23/05/2007

To,

✓ Smt. Kameswari Hazarika, Tailor, (on deputation from Govt. of Assam),  
ESIC Model Hospital, Beltola, Guwahati.

Sub: Repatriation to parent department i.e. O/o The AMO, ESI Scheme Govt. of Assam,  
Guwahati: Advance intimation thereof.

Madam,

As directed by the Hqrs. Office, ESIC, New Delhi, it is to inform you that you are being repatriated back shortly to your parent department i.e. O/o The AMO, ESI Scheme, Govt. of Assam, Guwahati, who has been intimated separately.

This is for your information and further necessary action.

Kindly acknowledge its receipt.

This issues with the approval of the Medical Superintendent

Yours faithfully

(Sri C. B. Choudhury)  
Dy. Director (Admin.)  
For Medical Superintendent

Copy to:

1. Personal File of the official concern.

Recd No. 16/11

copy to the concerned  
for

- 50 -

Annexure-L

ESIC MODEL HOSPITAL  
BELTOLA, GUWAHATI-22.

No. 432-A-63/11/1/03-Estt.605 Dated - 31.05.07

Office Order No. 114 of 2007

In pursuance of Hqrs. Office ESIC, New Delhi's letter no. U-11/11/Guwahati/2005-Med<sup>IV</sup>-dtd. 15.5.07 & in continuation ~~of~~ to this office letter no. 432-A-23/11/1/2003 Estt. dtd. 23.5.07 Smt. Kameswari Hazarika, Tailor (who was on deputation from 04.04.03) is hereby repatriated/released from this ESIC Model Hospital, Beltola, Guwahati-22, today i.e. on 31.05.07 AN to her parent deptt i.e. Office of the Administrative Medical Officer, ESI Scheme, Assam, Zoo Narengi Road, Guwahati-21.

Smti Kameswari Hazarika, Tailor (on deputation) is hereby advised to report to her parent deptt. immediately.

Smti Kameswari Hazarika has got 2 days restricted holiday and 4 days casual leave at her credit for the year 2007.

To,

Smt. Kameswari Hazarika, Tailor  
ESIC Model Hospital, Beltola,  
Guwahati-22.

Yours faithfully,

/

(C.R. Paul)

Dy. Director (Admn)

For Medical Superintendent

Copy for information & necessary action to w.r.t. the above to

- 1) The Secretary to the Govt. of Assam, Labour & Employment Deptt., Dispur, Guwahati-6.

Contd...2.

Copy to be sent to the Govt.

Sh

Copy to be sent to the Govt.

- 2) The Administrative Medical Officer, ESI Scheme, Assam Zoo Narengi Road, Guwahati-21 for information & necessary action. This has also a reference to this office letter no. 432-A-23/11/1/2003-Estt. dtd. 23.05.07.
- 3) The Addl. Commissioner, (Med. Admn), ESIC Hqrs. Office CIG Marg, New Delhi-2 for kind information & further advice, if any. This has a reference to the Hqrs. letter no. U-11/11/Guwahati/2005-Med-IV dtd. 15.5.07 & this Office letter no. 432-A-23/11/1/2003-Estt. dtd. 23.05.07.
- 4) The Director General (Estt), ESIC Hqrs, CIG Marg, New Delhi-2 for information & necessary action.
- 5) The Asstt. Director (Fin), ESIC Model Hospital, Beltola, Guwahati-22.
- 6) Cashier, ESIC Model Hospital, Beltola, Guwahati-22
- 7) File no. 432-A-23/11/1/2003-Estt. for reference.
- 8) Guard File.

Sd/- illegible,

31.5.07

(C.R. Paul)

Dy. Director (Admn)

For Medical Superintendent.

RECEIVED  
2007 JUN 12 10 50 AM  
OFFICE OF THE  
MEDICAL SUPERINTENDENT  
GUWAHATI