

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No 15.8/2007

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SECTION OFFICER (Judl.)

Debale
04.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
CHAWALI CIRCUIT

ORDER SHEET

1. Original Application No. 158/2007
2. Misc 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. Bhagat, Mrs. S. D. Bhuyan
Mrs. K. M. Tailor, Mr. B. K. Das
Mr. B. Chakrabarty, Mr. A. Hazarika

Advocate for the Respondent (S) C. H. S. C. and Govt. Advocate, Assam

Notes of the Registry Date Order of the Tribunal

This application is in form,
is filed/C. F. for Rs. 50/-
deposited with ITO/BD
No. 349/654315

Dated 18.6.07

② Registrar

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/

21.6.07
Copy of the judgment
collected by Mr. A. H. Das
for the applicant.


Recd Copy from Mrs.
M. Das, Addl. C.G.S.C., C.A.T.

Dharmendra
21/7/07

~~5/5/2007~~ 3
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?

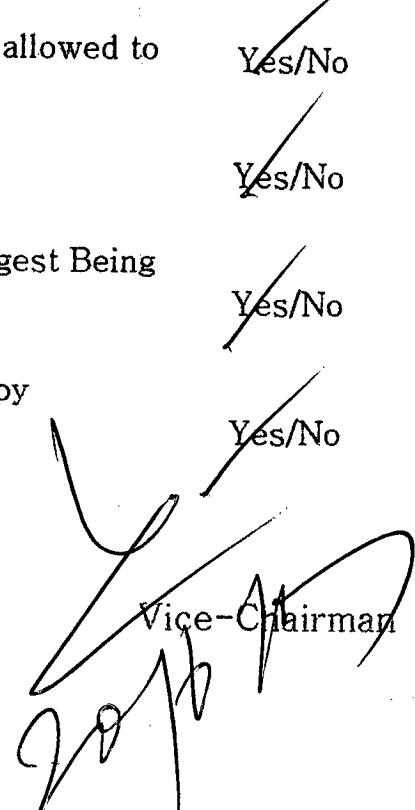
Yes/No

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

20/6/07

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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

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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.

O R D E R (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

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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

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

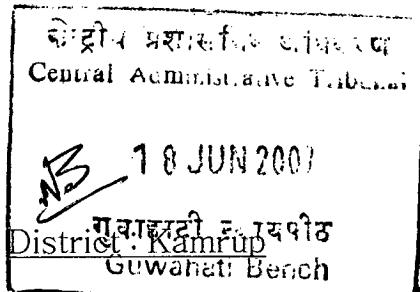
3. Accordingly, in the interest of justice, this Court directs the Applicant to submit a comprehensive representation along with all documentary evidence before second Respondent within fifteen days from today and on receipt of such representation the second Respondent or any other competent authority 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

/BB/



In the Central Administrative Tribunal,

Gauhati Bench :: Guwahati

Filed by : *Smt. Kameswari Hazarika*
 ... Applicant
 Through : *Songhamitra Ban 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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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 Dass Bhuyan
Advocate 18.6.07

LIST OF DATES

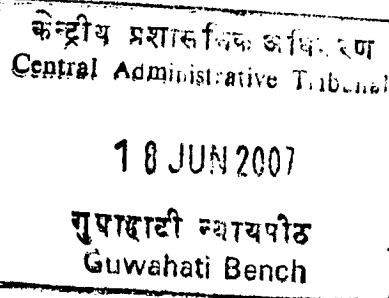
1. 31-07-1985 — Applicant appointed as tailor in the ESI hospital at Beltola, Guwahati - 22.
2. 1-8-1985 — The ESI hospital at Beltola, Guwahati started functioning.
3. 1987 — Applicant allotted official quarters in the said hospital compound. She is residing there since then.
4. 16-02-2001 — ESIC decided 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.

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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 Bhowmik
Advocate 18.6.07



District : Kamrup

Filed by
Smt. Kameswari Hazarika
--- Applicant

Sanjivita Devi Bhuyan
Advocate
18.6.07

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

S. Kamenswala - Haqueir -

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

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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....

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 respectiely.

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

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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. 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

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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.

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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...

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.

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....

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.

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 the 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.

23
Kamalakanta Talukdar

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. Karmeswaran Hazarika

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

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 application 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 :-

[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. Karmeshwar
Hazarika

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

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16

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

ANNEXURE - A

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

ORDERS.

No. 100/0-2/85/ 1679 A Subject to discharge without
notice and without assigning any reasons thereof Smti. Kamini
Debnarayanika ~~Debnarayanika~~ date Patneswar Banerjee
of village Kamrupi P.O. Kamrupi Dist. Narrong
under the P.S. Kamrupi is hereby appointed on purely
temporary basis as Dr. W in the existing newly created posts vide
Govt. sanction letter No. G.I.R/59/84/58 dt. 11-6-85
for 50-Bedded ESI Hospital, Daltola, Guwahati in the scale
of pay of Rs. 370-5-420-7-490/- P.M plus other allowances as
admissible under the existing rules with effect from the date
of joining.

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

Copy No. APO/0-2/85/ 1680-83

Dt. 31-7-85

Copy to :-

1. The Accountant General, Assam, etc. Shillong for favour of
information.
2. Dr. M.B. Chawla attached to 30-Bedded ESI Hospital,
Daltola, Guwahati for information.
3. Smti Kamini Debnarayanika
4. Accounts Branch of this office for information.
5. Link file.


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

~~Confidential to the Govt.~~

Ab

ANNEXURE - 6

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

DATED GUWAHATI THE 22ND MARCH 2001.

TO WHOM IT MAY CONCERN

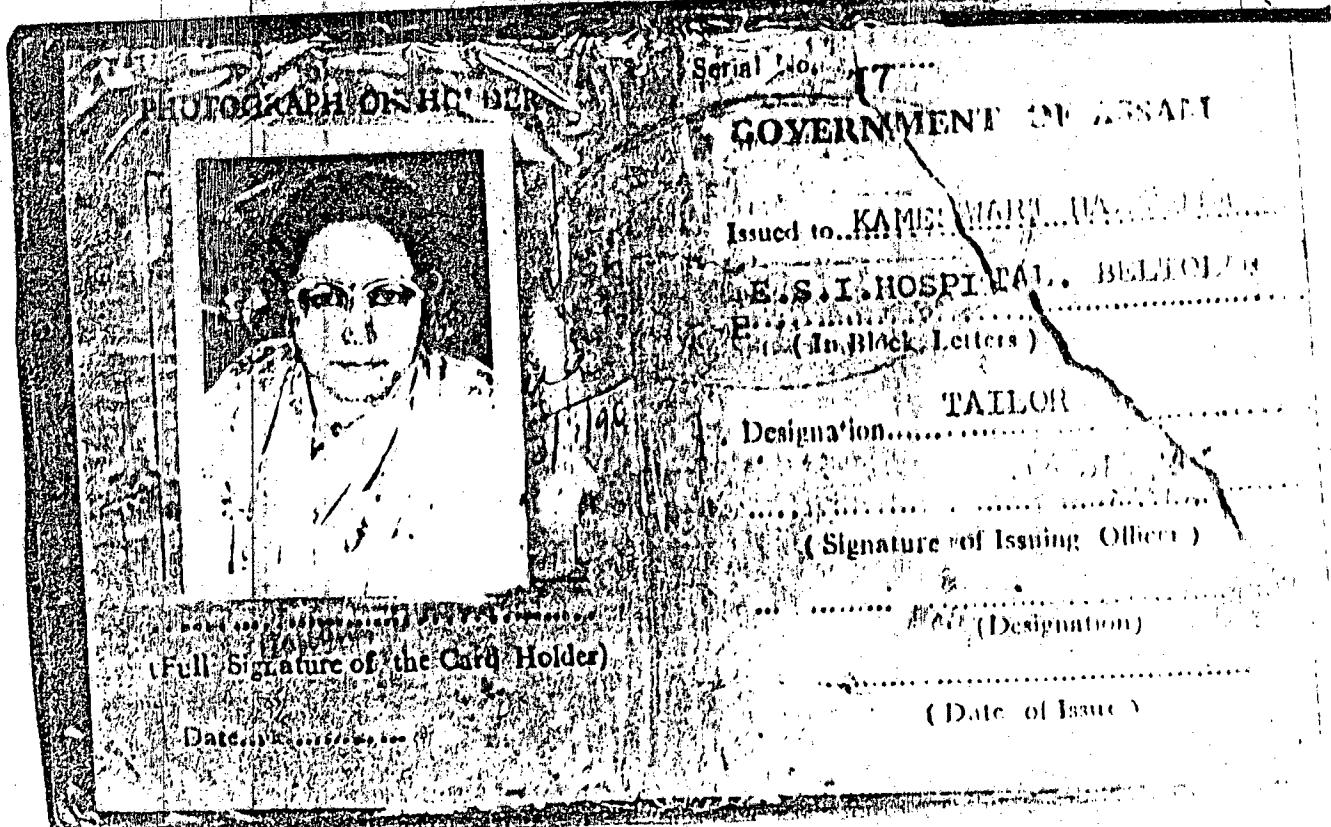
Certified that Smti Kameswari Hazarika, an employee of this Hospital is residing in a Govt. quarter (No. B/11) at E.S.I. Hospital, Campus, Beltola since 1987.

D. 22.3.2001.
Superintendent
ESI Hospital, Beltola
Guwahati
Superintendent,
E.S.I. Hospital, Beltola
Guwahati-22.



verified to be true copy

Sh



Qualified to do your work.

MEMORANDUM OF UNDERSTANDING

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

*Dec 2003
G.C. on 16th Feb 2001
Med-Call-II dated 17/3/2001
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.*

*10/4/2003
Lipji 4/3/2003
4/4/2003*
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.

4/4/2003
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. (A)

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. (B)

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.

Proposed
to be sent
to I.C.R.
ESIC Delhi
N.D.

Paras 'A' & 'B' are not accepted by the representatives
of ESIC. These proposals will be sent to I.C.R. ESIC for
consideration.

Signature of the representative
of ESIC.

(Taking over)

Parolce
04/4/03
(ROMEN SAIKIA)
REGIONAL DIRECTOR, ESIC

04/4/03
(DR. K. K. PAL)

Med. Supdt. B.S.L. Model

Hospital, Beltola, Guwahati

Signature of the State Govt.
representative.

(Handing over)

04/4/03

(Dr. L. Saray)

Sri As Secy, Labour & Empoly
Govt. of Assam, 2003

(D. A. A)

D. (Hs) L. Saray

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ANNEXURE - D

GOVERNMENT OF ASSAM LABOUR AND EMPLOYMENT DEPARTMENT

LETTERS BY THE GOVERNOR TO ISB/MDU

NOTIFICATION

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 MDU signed on 4-4-2003 in between the representatives of the ESIU 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 disposed of model Hospital, Daltola under the ESI corporation on deputation w.e.f. 04-04-2003.

A. Nursing staff

1. Mrs. Mangali Kar Barhuyan Asstt. Matron.
2. " P.P. Shyam " Ward sister.
3. " Bhogamai Das " Staff Nurse.
4. " Nayantara Hatimuria " do.
5. Misa 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 N.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 " do.
18. Shri Prabin Bora " do.
19. Shri Munindra Bora " do.
20. " Bijay Kalita. " do.

C. Laboratory Technician staff

21. Shri Surejit Sarkar " do.
22. Shri Rabin Kalita " do.
23. Shri Subhash Das " do.
24. Shri Utpal Deka. " do.

D. U.T. Assistant.

25. Mrs. Rukmini Daimary " do.

E. X-ray Staff.

26. Shri Gopinath Dori " do.
27. " Munindra Bora " do.
28. " Lakhi Kanta Gogoi. " do.

f. Dresser Staff.

29. Mrs. Krishna Das Bora " do.
30. Syed Intezul Haque " do.

G. Linen Keeper.

31. Mrs. Manju Das. " do.

H. Tailor.

32. Mrs. Kamowari Hazarika " do.

S S C H O O L
T I E S T H A R I G U T T I M U L T A M B E D A
G A V A M I N I S T R A T I O N

I. Ministerial Staff.

		U.D. Asstt.
33.	Mrs. Dalimi Saikia	L.D. Asstt.
34.	" Puspalata Phukan	-do-
35.	Shri Krishna Kanta Batman	-do-
36.	Shri Sanjib Prachan	-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-
Gr.IV Staff		
42.	Shri Jitendra Nath Das	Peon
43.	" Mahesh Haloi	"
44.	Shri Kartik Hemrang	Telephone Att
45.	Shri Susil Gogoi	-do-
46.	" Babuli Teron	-do-
47.	Mrs. Dulü Das	Deputy Head of Office
48.	Shri Kabi Chandra Talukdar	Manager Work Attendant
49.	Shri Khatgeswar Das	-do-
50.	Shri Dilip Talukdar	Ministerial Clerk
51.	Shri Raghunath Bhuyan	Ministerial Clerk
52.	Shri Balabhadra Baishya	Ministerial Clerk
53.	Shri Jonaram Das	-do-
54.	Mrs. Chaki Das	-do-
55.	Miss Mina Saikia	-do-
56.	Mrs. Rashmi Rabha	-do-
57.	Mrs. Tileswari Bora	Ministerial Clerk
58.	Mrs. Maya Chakravarty	Ministerial Clerk
59.	Shri Ramani Baishya	Ministerial Clerk
60.	Shri Sidheswar Bhatta	-do-
61.	Shri Madan Kalita	Ministerial Clerk
62.	Mrs. Munomali Gogoi	Ministerial Clerk
63.	Shri Khagen Saikia	Ministerial Clerk
64.	Shri Kanthi Saikia	-do-
65.	Shri Gouri Kanta Mali	-do-
66.	Shri Trilokya Saikia	Ministerial Clerk Gr.IV
67.	Shri Durgeswar Buragohain	Ministerial Clerk
68.	Shri Munna Basfore	Ministerial Clerk
69.	Mrs. Sajuni Basfore	Ministerial Clerk
70.	Shri Bahadur Basfore	Ministerial Clerk
71.	Mrs. Basmati Basfore	Ministerial Clerk
72.	Mrs. Radhi Basfore	Ministerial Clerk
73.	Mrs. Mahalaxmi Basfore	Ministerial Clerk
74.	Shri Narayan Basfore	Ministerial Clerk
75.	Shri P. Apparao	Ministerial Clerk
76.	Shri Sipahilal Rajak	Dhubi
77.	Shri Prabha Bora	Ministerial Clerk
78.	Shri Diren Ch. Das	Ministerial Clerk
79.	Shri Nahan Ch. Das	Ministerial Clerk

✓ D.G.M.W.
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checked by *[Signature]*

sl
[Signature]

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,

(A.M.)
V. 1. 1. 2003

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

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

Opinion

checked to be true copy

Sh

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. Borga	DMCW MD (Paed)
3. Dr. (Mrs.) Makhan Sarma	(MD) {O&G}
4. Dr. P. K. Bardelei	MS (Surg)
5. Dr. C. Choudhury	MD (O&G), FLCOG
6. Dr. (Mrs) S. Kataki	DA (Anaesth)
7. Dr. (Mrs) Mala Hazarika	DCP (C. N. H.)
8. Dr. Ajit Kumar Sarma	DEH (Pedi)
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 (Ophth)
13. Dr. A. K. Saikia	MS (Ophth)
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. Tumong	MBBS
25. Dr. B. Rongsong	MBBS

CONFIDENTIAL TO THE GOVT.

A/C

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 Dulimi Saikia	U.D. Asstt.
2. Smti Puspalata Phukan	L.D. Asstt.
3. Shri Naraswar 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 tera Bharali	- do -
13. Mis N.K. Kham Shyam	- do -
14. Smti Sumpi Khimery	- do -
15. Smti Bharati Kundu.	- do -
16. Smti Rekha Gogoi.	- do -
17. Smti Arati Bora.	- do -
18. Smti Sirawon Goldsmith Jago.	- do -
19. Miss Esther Urm.	- do -
20. Smti Mrinalini Buragohain	- do -
21. Smti Lily Sadhaninder	- do -
22. Smti Assesi 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 Bora	Radiographer.
34. Shri Munindra Bora.	- do -
35. Smti Krishna Das Bora	Dresser.
36. Syed Intazul Haque	- do -
37. Smti Kaneswari Hazarika	Tailor.
38. Shri Jitendra Nath Das.	Grade IV (Peon)
39. " Gouri Meli	- do - do
40. Shri Durgeswar Buragohain	- do - do
41. " Kanthi Saikia	- do -
42. " Khagom Saikia	- do -
43. " Dillip Tatukdar.	- do -
44. " Suchil Gogoi	- do -
45. " Siddheswar Bhatta	- do -
46. " Raghu Nath Bhuyan	- do -
47. " Jonaram Das.	- do -
48. " Babuli Toren	- do -

Cent. 2/-

Certified to be true copy.

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

CONFIDENTIAL

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ANNEXURE-F

RECOMMENDATION

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

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

Dated 09/10/03

To

The Medical Superintendent
ESI Model Hospital

Subj: _____

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 of resignation from State Govt. service, and acceptance of the same by the State Govt. You are, therefore, requested to circulate the enclosed terms of conditions of absorption among the employees deputed to the Model Hospital calling for the option of each either for absorption in Corporation service or to 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 Rules.

Receipt of this communication may please be acknowledged.

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

Yours faithfully

Encl: As above

(D. LAHIRI)
J.T. DIRECTOR (MED.)

Copy to:-

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

(J.T. DIRECTOR (MED.)

checked to be true

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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

Subject to be used

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can choose 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.

3. 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.
4. 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.

TODAY DE. 30/12/05

**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. Karabi Kalita
 13. Dr. Chandan Choudhury
 14. Dr. Dipak Chancal 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 EST Model Hospital, Beltola, Guwahati-22, Assam under the Employer'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 -

certified to be true copy

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2. 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
Pnchadeep 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.

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

.....Respondents.

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

certified to be true copy

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ORDER (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:-

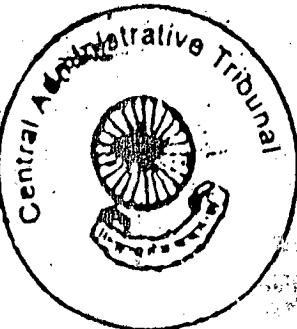
"8.1 That the Hon'ble Tribunal be pleased to direct the Respondents to give the cadre pay and allowances to the applicants at ESIC norms and at par with that of their counterparts in the ESIC w.e.f. 04.04.2003, with all consequential service benefits.

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."

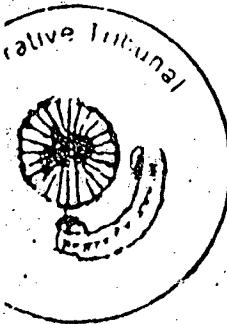
2. The case of the applicants is that the ESIC had entered into a Memorandum of Understanding (for short MOU) dated 26.12.2002. (Annexure-3) containing the terms and conditions under which the services of the applicants and other staff of the State Government deputed in the ESI Model Hospital have to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



~~Subject to be overruled~~

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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.

Spt

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.

9/4/

Copy sent to the Govt.

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[Signature]

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. B. 12/01/06
 Section Officer (Judi)
 C. A. T. Gurabati Beach
 (011) 22222222
 12/01/06

CONFIRMED TO BE TRUE COPY

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4752 No. 37

FORM NO. 32
 (Sect. 102)
 CENTRAL
 ESIC HOSPITAL
 APPEAL

2566

8-2-05

23

D.D. SHEET

36/06

Orginal Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(s) Dr. P. K. Sharma & Ors. (18)Respondent(s) U. O. I. JoraiAdvocate for the Applicants J.L. Sarkar, M. Chanda, G.N. ChakrabortyAdvocate for the Respondent(s) S. Nath, CGSCAdvocate for the Tribunal Rly St. Counsel

Order of the Tribunal

Notes of the Ministry
 Date: 08.02.2006 Present: Hon'ble Sri K. V. Sachidanandan,
 Vice-Chairman

Heard Dr. J.L. Sarkar, learned
 counsel for the applicants. Mr. G. Bishya,
 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

Contd. 2

CONSIDERED & APPROVED

Sd/-

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.

Contd/-

Carrying to my office.

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Anurag

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Contd/-

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.
Section Officer (J. dly)
C. A. T. Guwahati branch
Guwahati S.

8/2/06

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Sd/-
Lokesh

GOVERNMENT OF ASSAM
LABOUR & EMPLOYMENT DEPARTMENT

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

From : Shri B.B. Hagher, 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 Corpora-
tion, Beltola. However the following points should be
taken into consideration while the deputationists are per-
manently 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.

Contd...2.

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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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According to the Govt. Order

Sh

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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.

Copy to my son
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4/2003

ANNEXURE-I

GOVERNMENT OF ASSAM
LABOUR & EMPLOYMENT DEPARTMENT

No. GLR. 131/2001/Ft-III/74 Dated Dispur, the 26th May/2006. 59

From : Shri B.B.Hagjer, 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/Ft-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. 24-92-2006 may also kindly be referred to.

Yours faithfully,

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

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

1. The Deputy Medical Commissioner, ESI Corp. Panchdeep Bhawan, Kekla Road, New Delhi.
2. The Regional Director, ESI Corp., Assam, N.E. Regpm, Bamunimaidan, Guwahati-21.
3. The Medical Supdt. Model Hospital, ESI Corp., Beltola, Guwahati-22.

By order etc.,

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

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GOVERNMENT OF ASSAM
LABOUR & EMPLOYMENT DEPARTMENT

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, Dtd. Dispur, the 25th May/07.
 Copy to : -

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

Subject to be seen by

Sh

Done

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ANNEXURE-A

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

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

564

Dated: 23/03/2007

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. P. S. Pal)
Dy. Director (Admin.)
For Medical Superintendent

Copy to:

1. Personal File of the official concern.

Copy to all concerned

SC

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/Guahati/2005-Med-dtd. 15.5.07 & in continuation ^{IV} _^ 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, Guahati-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, Guahati-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,
Guahati-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, Guahati-6.

Contd...2.

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- 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.