

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.678/2015

New Delhi, this the 1st day of March, 2017

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

1. Ms. Sunita Rathi, aged about 39 years
W/o Sh. Devender Singh Rathi
Working as Staff Nurse
R/o Qtr. No.B-4, Type-II
ESI Hospital Colony , Sector -15
Rohini, New Delhi.
2. Sh. Mukesh Kumar Meena, aged about 29 years
S/o Late Kailash Meena,
Working as UDC, R/o Qtr No.B-7,
Type-II, ESI Hospital Colony,
Sector -15, Rohini, New Delhi.
3. Mr. Murari Kumar, aged about 29 years
S/o Sh. Yogal Kishore Pd.,
Working as UDC,
R/o Flat No.1180, 4th Floor, LIG
Sector -28, Rohini Delhi.
4. Ms. Mariyamma Joy, aged about 45 years
W/o Sh. E.R. Joy,
Working as Nursing Sister,
R/o House No. B-2/111, 2nd Floor
Sector-16, Rohini
New Delhi-110089.
5. Ms. Ranjana Bharti, Aged about 48 years
W/o Sh. Dharmendra Bharti
Working as Nursing Sister
R/o House No. G-4/195, 2nd Floor
Sector-11, Rohini Delhi.

6. Mr. Suresh Jawla, Aged about 36 years
S/o late R.K. Jawla,
Working as Nursing Orderly
R/o House No.B-11, Vijay Colony
Bawana, Delhi.
7. Ms. Sheela Prakash Jambulkar, aged about 47 years
W/o Sh. Prakash Jambhulkar,
Working as A.N.S.
R/o Flat No. 389, Pocket –E3
Paradise Apartment, Sector -18
Rohini, Delhi.
8. Mr. Sanjeet Kumar, aged about 32 years
S/o Sh. Pahlad Singh
Working as N.O.,
R/o RZ-48, Roshan Garden, Gali No.1,
Behind Water Tank, Najafgarh,
New Delhi.
9. Mr. Ashok Kumar, aged about 29 years
S/o Sh.
Working as N.O.
R/o V.P.O. Bamla, The. & Distt. Bhiwani,
Haryana.
10. Mr. Suman Singh Negi, aged about 40 years
S/o Sh.
Working as Masalchi,
R/o D-54, Mahasram Park
Uttam Nagar, New Delhi.
11. Mr. Narayan aged about 36 years
S/o Sh.
Working Cook Mate
R/o C-12, Type-II, ESIC Colony
Sector -15, Rohini Delhi.

12. Mr. Prakash Singh, aged about 35 years
S/o Sh.
Working as Male Staff Nurse,
R/o C-6/31, 3rd Floor, Sector -5
Rohini, Delhi.
13. Ms. Thresiamma Antony, aged about 55 years
D/o Sh
Working as Nursing Sister
R/o Qtr. No.H-1/71, Ground Floor
Sector-16, Rohini Delhi.
14. Ms. Sangeeta Shah, aged about 45 years
D/o Sh.
Working as Nursing Sister
R/o Qtr. No. F-2/201, First Floor,
Rohini Delhi.
15. Ms. Promilla David, aged about 48 years
D/o Sh.
Working as Nursing Sister
R/o House No. C-8/78, Sector-5
Rohini, Delhi
16. Ms. Asha Kochar, aged about 45 years
D/o Sh
Working as Nursing Sister
R/o House No 139/9, Sister No.9
Mahaveer Nagar, New Delhi
17. Ms. Satto Devi, aged about 44 years
D/o Sh.
Working as Nursing O.T. Tech.,
R/o House No.S-24, Rajdhani Park
Nangloi, Delhi.
18. Mr. Ramcharan, aged about 56 years
S/o Sh.
Working as O.T. Tech.
R/oHouse No.A-70, Gali No.3
Mahalaxmi Enclave, Karawal Nagar, Delhi.

19. Mr. Sanjeev Sharma, aged about 40 years
S/o Sh.
Working as Radiographer
R/o House No.1-17, Welcome
Shahdara, Delhi.
20. Ms. Sangeeta Bindal, aged about 43 years
D/o Sh.
Working as Radiographer
R/o House No.B-10, Type –II
ESI House Colony, Sector-15
Rohini, New Delhi.
21. Mr. Lovekesh Tomar, aged about 34 years
S/o Sh.
Working as MTS
R/o House No. N-20D, Street No.2
Pushta Area, Sadatpur Extension,
Kawawal Nagar, New Delhi.
22. Mr. Nitin Kumar, aged about 27 years
S/o Sh.
Working as Nursing Orderly,
R/o House No.A-66, Street No.3
Tomar Colony, Burari, Delhi
23. Mr.Krishan Kumar aged about 40 years
S/o Sh. Banwari Lal
Working as UDC
R/o Qtr. No.A-15, Type-II
ESI Hospital Colony, Sector-15
Rohini, New Delhi.
24. Mr. Sushil Kumar, aged about 35 years
S/o Sh. Dhoom Singh
Working as Radiographer
R/o Qtr. No. B-4, Type-II
ESI Hospital Colony, Sector-15
Rohini, Delhi.

25. Mr. Mohan, aged about 36 years
S/o Sh. Lallur Ram
Working as Radiographer,
R/o House No.A-53, Raghuvir Nagar,
New Delhi.
26. Ms. Sheela Rani , aged about 45 years
W/o Sh. Ashok Kumar,
Working as Lab. Tech.
R/o House No. C-1/40 , Sector -15
Rohini, Delhi.
27. Mr. Rajesh, aged about 30 years
S/o Sh. Ram Charan Pal,
Working as S/B
R/o House No.P-1/27 Mangol Puri, Delhi
28. Mr. Vinay Gahlatwat, aged about 26 years
S/o Sh. Umesh Singh,
Working as DHA
R/o H. No.1007, E-26, West Ram Nagar,
Sonipat, Haryana
29. Ms. Manju Pasricha, (Retd.), aged about 61 years
W/o Sh. Vijay Kumar
R/o F-3/145/146, Sector-16
Rohini, Delhi.
30. Sh. Vinod Kumar aged about 30 years
S/o Sh. Kanwal Singh,
Working as DHA
R/o VPO: Nahri, Distt. Sonipat, Haryana.

.....Applicants.

(By Advocate: Mr.S.K. Ojha)

Versus

1. Union of India
Through Chief Secretary / Joint Secretary
Ministry of Labour,
Shram Shakti Bhawan, New Delhi -110001.

2. The Deputy Director
Employees State Insurance Corporation Hospital
Sector -15, Rohini, Delhi-110085.
 3. The Deputy Director
Head- Quarters Office,
Employees State Insurance Corporation
Panchdeep Bhawan, C.I.G. Marg, New Delhi-110002.
 4. Director General
Employees State Insurance Corporation,
Employees State Insurance Corporation
Panchdeep Bhawan, Comrade Inderjeet Gupta
(C.I.G.) Marg,
New Delhi-110002.
 5. Director (Medical)
Employees State Insurance Corporation
Panchdeep Bhawan, Comrade Inderjeet Gupta
(C.I.G.) Marg,
New Delhi-110002.
- .. Respondents

(By Advocate: None present)

ORDER (ORAL)

The applicants (thirteen in number) were employees of the ESIC Hospital, Rohini Delhi at the relevant point of time. They availed the LTC to visit Srinagar during April, 2013. They procured their air-tickets from the Portal of Indigo Airline directly. Their claim for imbursement of the cost of their air-tickets has not yet been considered by ESIC Hospital –

respondents' organization on the ground that they had not procured the air-tickets from authorized agency. In this regard a reference is made to Annexure A (Colly) Circulars/OM of ESCIC and DoP&T. A conjoint reading of these two documents would indicate that LTC air-tickets are required to be purchased by the employees of ESIC either directly from the airlines or from one of the two authorized agencies of the Govt. of India; namely M/s Balmer Lawrie & Company and M/s Ashok Travels & Tours and the IRCTC.

2. Explanation of the applicants has been sought by the ESIC Hospital as to why they purchased their air-tickets from unauthorized agency/agent. One such memo is at page 29 issued to one of the applicants, Mr. Nitin Kumar.

3. The respondents filed their reply to the OA after having availed of several dates of hearing. The Tribunal in its order dated 19.01.2017 has recorded so. Today also, none appears for the respondents and, as such, I proceed ahead with the matter on the basis of available records, which also includes reply filed by the respondents. As is evident from the records, the applicants had purchased their air-tickets from the web

portal of Indigo Airline and not from the two authorized agencies of the Govt. of India or from office of the of the Indigo Airline. Perhaps, the respondents are not aware that Indigo Airline does not sale air-tickets from its office. Almost all its air-tickets are sold either through its own web portal or through the web portals of travel agencies. The third outlet of sale of its air-tickets is its ticket counters at the airports. It is a ludicrous stand of the respondents that applicants have purchased their air-tickets from unauthorized agency. The respondents must note that tickets have been purchased from the web portal of the airlines. As such, it would tantamount to purchasing the air-tickets from the airline itself, which is one of the prescribed modes for procuring air-tickets as per the DoP&T OM dated 19.06.2014.

4. Learned counsel for the applicants also drew my notice to some of the cases of employees of the respondents' organization, ESIC Hospital who too had purchased air-tickets in the same manner to go on LTC to Srinagar with their family and in their cases, the ESIC Hospital has reimbursed the cost of their air-tickets. These cases are at pages 68 and 69. Such

an action would go to show that the respondents are indulging in discriminatory practices, which is against law.

5. For the reasons discussed in the foregoing paras, I hold that the applicants have purchased their air-tickets directly from the airline and as such they are entitled for imbursement of their claim. Hence, the OA is allowed. The respondents are directed to reimburse the claim of the applicants within two weeks from the date of receipt of a certified copy of this order. No order as to costs.

(K.N. Shrivastava)
Member (A)

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