

**Central Administrative Tribunal
Madras Bench**

OA 310/01655/2018 & MA 310/00687/2018

Dated Wednesday the 19th day of December Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member (J)**

1. K. Gayathri
2. S. Sithima
3. M.S. Suganya
4. G. Jeeviga
5. A. Sheeba Biju
6. A. Nancy Dayana
7. T. Brindha
8. Nishaben N. Parmar
9. P. Prabu
10. S. Vijayalakshmi
11. T. Ananthajothi
12. R. Kousalya
13. M. Kumar
14. C. Prashad
15. S. Mookambigai
16. V. Kalaivani
17. R. Athilakshmi
18. K. J. Ramya
19. G. Vijayalakshmi

.. Applicants

By Advocate M/s. E. Maragatha Sundari

Vs.

1. The Union of India represented by
The Secretary
Ministry of Labour & Employment
Shram Shakthi Bhavan
Rafi Marg, New Delhi – 110 001.

2. Employees' State Insurance Corporation represented by the Director General
Employees' State Insurance Corporation
Hqrs. Office, C.I.G. Road
New Delhi 110 002.
3. The Director General
Employees' State Insurance Corporation
Hqrs Office
C.I.G. Road, New Delhi 110 002.
4. The Regional Director
Employees' State Insurance Corporation
143, Sterling Road
Nungambakkam, Chennai 600 034.
5. The Dean
ESIC Hospital
K.K. Nagar, Chennai 600 078.
6. Jayanthi Kuppusamy
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
7. K. Ayyappan
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
8. Vinish Verghese
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
9. Jayalakshmi. K
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

10. G. Geetha
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
11. G. Sasikala
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
12. P. Elavarasan
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai 600 078.
13. S. Mani Arasu
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
14. Ezhilkena Jenkins
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
15. N. Jamuna
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
16. A. Murugan
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

17. M. Sandhya
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
18. N. Nagavalli
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
19. R. Kumar
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
20. K. Prabha
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
21. M. Sankarashwari
Staff Nurse
ESIC Hospital
Tirunelveli – 627 003.
22. B. Ellammal
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
23. M.R. Vinu
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.
24. P. Ambikavathi
Staff Nurse
ESIC Hospital

Vannarapettai
Tirunelveli – 627 003.

25. M.K. Dilip
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

26. M. Maheswari
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

27. T. Chandrleka
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

28. P. Murali
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

29. V.V. Nishanth
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

30. D. Sathish Kumar
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

31. T. Abirami
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

32. B. Akalya
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

33. P. Leelavathi
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

34. S. Kalaiarasi
Staff Nurse
ESIC Hospital
Vannarapettai
Tirunelveli – 627 003.

35. K. Umar Ali
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

36. M. Md. Rafi
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

37. N.M. Manu
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

38. Shanto Jose
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

39. Sri Devi

Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

40. Nakul N. Babu
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

41. G.R. Seenra
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

42. P.K. Vijeesh
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

43. G. Madhavammal
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

44. S. Saranya Saseendran
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

45. Anitha M. Sunny
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

46. Joshi Yoganand
Staff Nurse
ESIC Hospital

K.K. Nagar
Chennai – 600 078.

47. M. Md. Sherif
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

48. T.K. Md. Ramiz
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

49. K. Anvin
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

50. Praveen Mathew
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

51. R. Jamuna Rani
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

52. T. Lini
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

53. K. V. Bibin
Staff Nurse
ESIC Hospital
K.K. Nagar

Chennai – 600 078.

54. P. Priyadharshan
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

55. P. Jaffar
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

56. Linta Gopan
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

57. K. Vasugi
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

58. V.K. Nishamole
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

59. Alphonse Mathew
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

60. G. Jagadeeshan
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.

61. P. Mullai
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.
62. P.C. Chaithanya Pani
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.
63. N.P. Jenny Vijay
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.
64. V. Suganthi
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.
65. M. Linga Praba
Staff Nurse
ESIC Hospital
Chennai – 600 078.
66. V.D. Shibeesh
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.
67. T. Sugamathi
Staff Nurse
ESIC Hospital
K.K. Nagar
Chennai – 600 078.
68. P. Parameshwari
Staff Nurse

ESIC Hospital
K.K. Nagar
Chennai – 600 078.

.. Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Heard. MA 687/2018 for the applicants to join together to file a single OA is allowed for the reason that the applicants are similarly aggrieved by the same impugned order.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“i. to quash the impugned final seniority list published by the respondent – 5 in Memo No. 512/A/24/14/09/ESICH dated 27.02.2018

ii. to direct the respondents 3 & 4 to go by the norms communicated in their own Inter-Regional Transfer policies circulated in Letter No. A-33/12/1/2011.Med-VI(FC) dated 31.10.2011 and in Letter No. A-11/11/1/08 Med-VI dated 12.06.2012 and prepare a revised seniority list by placing the seniority of the applicants, the recruits of the year 2009, above the stage at which the names of the new recruits of subsequent years appear in the seniority lists finalised Memo No. 512/A/24/14/09/ESICH dated 27.02.2018.”

3. It is submitted that two of the applicants made representations dated 23.08.2017 raising objections to the seniority list of Staff Nurses and Nursing Sisters as on 31.03.2016 in which a number of issues were raised. However, instead of passing a speaking order on the representation, Annexure A24 impugned seniority list dated 27.02.2018 was published wherein it is stated against the name of K. Gayathri that “The objections related to policy matter and Hqrs office. Seniority list prepared as per existing rules.” Similarly, against the name of

R.Kousalya it is mentioned that “Seniority list dated 17.08.2017 had been prepared as per existing rules. Hence objection vacated.”

4. Learned counsel for the applicant would submit that such disposal of representations is not in accordance with the procedure laid down for the purpose.

5. Mr. Su Srinivasan takes notice for the official respondents and submits that the impugned order has been passed in accordance with the existing policy as adopted by the Head Quarters and in the absence of any challenge to the policy the applicant could not seek redressal as they are covered by the same.

6. We have considered the matter at the admission stage. It appears that two of the applicants made Annexure A22 and 23 representations dated 23.08.2017 but no speaking order has been passed thereon. Merely stating that the seniority list had been prepared as per the existing rules and, therefore, the objection was overruled could not be regarded a satisfactory disposal of the representations. We are accordingly of the view that the respondents must consider the issues raised in the representations and pass a reasoned and speaking order as to why the representation was liable to be accepted or rejected. The respondents shall do this within a period of three months from the date of receipt of copy of this order.

7. OA is disposed of as above.

(P. Madhavan)
Member (J)

19.12.2018

(R. Ramanujam)
Member(A)

AS