

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00388/2019

OA No.180/00394/2019

OA No.180/00395/2019

Wednesday, this the 10th day of July, 2019.

CORAM

Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

1. OA No.180/00388/2019

Smt. Shimmy Thomas, aged 46 years

W/o Renny Thomas,

Staff Nurse, ESIC Hospital,

Udyogamandal, Ernakulam-683 501.

Residing at "Myladyil", Changampuzha Nagar,

Kalamasserry, Kochi-682 033.

Applicant

(Advocate: M/s P.V.Saleem & Shafik M.A.)

versus

1. The Director General
Employees' State Insurance Corporation,
Panchadeep Bhawan, CIG Marg,
New Delhi-110 001.
2. The Regional Director
Employees' State Insurance Corporation,
Panchadeep Bhawan, North Swaraj Nagar,
Thrissur-680 020.
3. The Deputy Director (Admn)
Employees' State Insurance Corporation,
Panchadeep Bhawan, North Swaraj Nagar,
Thrissur-680 020.
4. The Medical Superintendent
ESIC Hospital, Udyogamandal,
Ernakulam-683 501.

Respondents

(Advocate: Mr.T.V.Ajayakumar)

2. OA No.180/00394/2019

Smt. Sherly Sabu, aged 50 years

W/o Sabu A.M.

Staff Nurse, ESIC Hospital,

Udyogamandal, Ernakulam-683 501.

Residing at "Anthiamkulam", E-1, Block III

VB Park, Kakkanad, Kochi-682 030.

Applicant

(Advocate: M/s P.V.Saleem & Shafik M.A.)

versus

1. The Director General
Employees' State Insurance Corporation,
Panchadeep Bhawan, CIG Marg,
New Delhi-110 001.
2. The Additional Commissioner & Regional Director
Employees' State Insurance Corporation,
Panchadeep Bhawan, North Swaraj Nagar,
Thrissur-680 020.
3. The Deputy Director (Admn)
Employees' State Insurance Corporation,
Panchadeep Bhawan, North Swaraj Nagar,
Thrissur-680 020.
4. The Medical Superintendent
ESIC Hospital, Udyogamandal,
Ernakulam-683 501.

Respondents

(Advocate: Mr.T.V.Ajayakumar)

3. OA No.180/00395/2019

Smt. Bijimol Tomy, aged 47 years
 W/o Tomy Paul,
 Staff Nurse, ESIC Hospital,
 Udyogamandal, Ernakulam-683 501.
 Residing at "Parayil", 106, Sundaragiri,
 Kalamasserry, Kochi-683 104.

Applicant

(Advocate: M/s P.V.Saleem & Shafik M.A.)

versus

1. The Director General
 Employees' State Insurance Corporation,
 Panchadeep Bhawan, CIG Marg,
 New Delhi-110 001.
2. The Additional Commissioner & Regional Director
 Employees' State Insurance Corporation,
 Panchadeep Bhawan, North Swaraj Nagar,
 Thrissur-680 020.
3. The Deputy Director (Admn)
 Employees' State Insurance Corporation,
 Panchadeep Bhawan, North Swaraj Nagar,
 Thrissur-680 020.
4. The Medical Superintendent
 ESIC Hospital, Udyogamandal,
 Ernakulam-683 501.

Respondents

(Advocate: Mr.T.V.Ajayakumar)

These three Original Applications having been heard together on 10th July, 2019, this Tribunal delivered the following common order on the same day:

O R D E R (oral)**By E.K.Bharat Bhushan, Administrative Member**

Heard Sri Shafik M.A., learned counsel for the applicants.

As directed by us, the second respondent had given a personal hearing to the applicants and had issued an order which is now impugned. By this order, the second respondent who is the Regional Director, ESIC, Thrissur, has considered the various reasons advanced by the applicants for retention in the present station.

2. We have heard Sri T.V.Ajayakumar, the learned counsel representing ESIC. He submitted that the transfers are necessitated because there is a need to balance the staff strength in the ESIC and it was in this background, the order has been issued. These have been done as per Annexure R2 guidelines.

3. After considering the matter in totality, we feel that the applicant has children who are at the senior school level. We feel, at this juncture, that it would be just and proper if the OAs are disposed of by directing the respondents to retain the applicants in the present station till the end of the academic year. They can be transferred out as per the requirement of the respondent organization by 1st of June, 2020. The Original Applications stand disposed of.

(Ashish Kalia)
Judicial Member

(E.K.Bharat Bhushan)
Administrative Member

Annexures filed by the applicant in OA/388/19:

- Annexure A1: Copy of the office order No.152 of 2019 issued as per letter No.54.A.22/15/2/2018-Admn dated 31.5.2019 issued by the 3rd respondent.
- Annexure A2: Copy of the Office Order No.122 of 2019 issued as per order No.543.A/22/11/1/2018-Admn. Dated 1.6.2019 issued by the 4th respondent.
- Annexure A3: Copy of the representation dated 1.6.2019 submitted before the 3rd respondent.
- Annexure A4: Copy of the fee receipts and bills of the applicant's children.
- Annexure A5: Copy of the Transfer Policy issued as per letter No.A-22(13)1/2014-E.I dated 1.12.2014 of the 1st respondent.

Annexures filed by the respondents:

- Annexure R1(a): Copy of the order dated 10.6.2019 issued by the 2nd respondent.
- Annexure R1(b): Copy of the letter dated 31.3.2011 of the ESIC Headquarters.
- Annexure R1(c): Copy of the letter dated 29.7.2011 of the ESIC Headquarters.
- Annexure R1(d) : Copy of the letter dated 5.6.2018 issued by the ESIC Headquarters.
- Annexure R1(e): Copy of the order dated 25.9.18 of the CAT, Ernakulam Bench in OA 627/15, 673/16 and 282/17.
- Annexure R1(f): Copy of the proceedings and report of the Transfer Committee.
- Annexure R1(g): Copy of the order dated 26.6.2019 issued by the 2nd respondent.

Annexures filed by the applicant in OA/394/19:

- Annexure A1: Copy of the office order No.152 of 2019 issued as per letter No.54.A.22/15/2/2018-Admn dated 31.5.2019 issued by the 3rd respondent.
- Annexure A2: Copy of the Office Order No.122 of 2019 issued as per order No.543.A/22/11/1/2018-Admn., dated 1.6.2019 issued by the 4th respondent.
- Annexure A3: Copy of the representation dated 1.6.2019 submitted before the 3rd respondent.
- Annexure A4: Copy of the Transfer Policy issued as per letter No.A-22(13)1/2014-E.I dated 2.12.2014 of the 1st respondent.

Annexures filed by the respondents:

- Annexure R1(a): Copy of the order dated 12.6.2019 issued by the 2nd respondent.
- Annexure R1(b): Copy of the letter dated 31.3.2011 of the ESIC Headquarters.
- Annexure R1(c): Copy of the letter dated 29.7.2011 of the ESIC Headquarters.
- Annexure R1(d) : Copy of the letter dated 5.6.2018 issued by the ESIC Headquarters.
- Annexure R1(e): Copy of the order dated 25.9.18 of the CAT, Ernakulam Bench in OA 627/15, 673/16 and 282/17.
- Annexure R1(f): Copy of the proceedings and report of the Transfer Committee.
- Annexure R1(g): Copy of the order dated 26.6.2019 issued by the 2nd respondent.

Annexures filed by the applicant in OA/395/19:

- Annexure A1: Copy of the office order No.152 of 2019 issued as per letter No.54.A.22/15/2/2018-Admn dated 31.5.2019 issued by the 3rd respondent.
- Annexure A2: Copy of the Office Order No.122 of 2019 issued as per order No.543.A/22/11/1/2018-Admn. Dated 1.6.2019 issued by the 4th respondent.
- Annexure A3: Copy of the representation dated 19.7.2018 submitted before the 2nd respondent.
- Annexure A4: Copy of the representation dated 1.6.2019 submitted before the 2nd respondent.
- Annexure A5: Copy of the fee receipts of the applicant's children.
- Annexure A6: Copy of the Transfer Policy issued as per letter No.A-22(13)1/2014-E.I dated 2.12.2014 of the 1st respondent.

Annexures filed by the respondents:

- Annexure R1(a): Copy of the order dated 12.6.2019 issued by the 2nd respondent.
- Annexure R1(b): Copy of the letter dated 31.3.2011 of the ESIC Headquarters.
- Annexure R1(c): Copy of the letter dated 29.7.2011 of the ESIC Headquarters.
- Annexure R1(d) : Copy of the letter dated 5.6.2018 issued by the ESIC Headquarters.
- Annexure R1(e): Copy of the order dated 25.9.18 of the CAT, Ernakulam Bench in OA 627/15, 673/16 and 282/17.
- Annexure R1(f): Copy of the proceedings and report of the Transfer Committee.
- Annexure R1(g): Copy of the order dated 26.6.2019 issued by the 2nd respondent.