

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00627/2015
Original Application No. 180/00673/2016
Original Application No. 180/00124/2017
Original Application No. 180/00168/2017
Original Application No. 180/00176/2017
Original Application No. 180/00282/2017
Original Application No. 180/00273/2018
Original Application No. 180/00276/2018
Original Application No. 180/00364/2018
Original Application No. 180/00369/2018
Original Application No. 180/00769/2018

Thursday, this the 28th day of November, 2019

CORAM:

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

1. **Original Application No. 180/00627/2015 -**
1. Vijayamma C.K., W/o. Raju K.K., aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Residing at Kallingal House, Mamanoor PO, Cherukunnam, Perumbavoor – 683 549.
2. Sujamol M.T., W/o. C.K. Gopi, aged 38 years, Head Nurse, ESI Hospital, Udyogamandal, Residing at Puthiyaparambil House, Thiruvambadi PO, Pazuthuruthu, Kadathuruthi, Kottayam District.
3. Minimol T.R., W/o. P.K. Purushothaman, aged 42 years, Head Nurse, ESI Hospital, Udyogamandal, residing at Puthuveettuveli, Charamangalm, Muhamma PO, Alappuzha – 688 525.
4. Sreerekha, T.N., W/o. Sasi P.K., aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, residing at Pappalil House, S. Marady PO, Muvattupuzha, Ernakulam.
5. Simi N.D., W/o. Jiji Joseph, aged 40 years, Staff Nurse Grade-I, ESI Hospital, Udyogamandal, Residing at Pettah House, Varappuzha PO, Ernakulam.
6. Rethy T.G., W/o. Babu K., aged 41 years, Staff Nurse Grade-I, ESI Hospital, Udyogamandal, residing at Punartham House, West Kadunallor, Muvattupuzha PO, Aluva.

7. Jessy T.K., W/o. Sunil P. Johns, aged 40 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, residing at Pittappilly House, Kuruppumpady PO, Para, Ernakulam.
8. Bindumol M.N., W/o. Surendran, aged 41 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, residing at Manuickakunnel House, Lakkattoor PO, Kottayam.
9. C.R. Shija, W/o. U.V. Sahajan, aged 36 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at ESIC quarters No. 17, Pathalam, Udyogamandal – 683 501.
10. Sabida P.S., W/o. Pradeep K.S., aged 38 years, Staff Nurse Grade-II, ESI Hospital, Udyogamandal, residing at Kizhakkepokkathara, Vaikom PO, Kottayam.
11. Naseema C.M., W/o. Johnson Thomas, aged 33 years, Staff Nurse, ESI Hospital, Udyogamandal, residing at Karalil Johnson Villa, East Kallada PO, Kollam – 691 502.
12. Renjini E.K., W/o. Rajeesh Francis, aged 37 years, Staff Nurse, ESI Hospital, Udyogamandal, residing at Kanjirathinkal House, Thodupuzha PO, Olamattom, Idukki.
13. Sajitha Joseph, Kunjumon Thomas, aged 39 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Malarkkattu House, Kanakkary PO, Kottayam – 686 632.
14. Biji T.M., W/o. Skariah K.K., aged 40 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Residing at Kuttikkattu House, Kunnackal PO, Valakom, Muvattupuzha, Ernakulam.
15. Siby T. Mathew, W/o. Thankachan Joseph, aged 40 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, residing at Avirapattu House, Kuruppampady PO, Ernakulam District.
16. Shyni P., W/o. Vipinchandran, aged 42 years, Staff Nurse Grade-I, ESI Hospital, Udyogamandal, residing at Sreenilayath, Vadayar PO, Thalayolaparambu, Kottayam.
17. Naseera M.P., W/o. Aliar M.B., aged 33 years, Staff Nurse Grade-II, ESI Hospital, Udyogamandal, residing at Manickal House, Pareekkanni PO, Paimuttom.
18. Pushpitha Poullose, W/o. Joju V.R., aged 33 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Vadayil House, Mathilakam PO, Thrissur.

19. K.T. Omana, W/o. M.P. Sasi, aged 48 years, Staff Nurse Grade-I, ESI Hospital, Udyogamandal, residing at Sisiram House, Zeenath Junction, Aluva.
20. P.K. Jamuna, W/o. M.K. Shaju, aged 45 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Parappattu House, Pampakuda PO, Ernakulam – 686 667.
21. Hajara O.H., W/o. K.K. Azeez, aged 43 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, residing at Kalangara House, Palathuruth, Chendamangalam PO, North Paravoor, Ernakulam.
22. Elbymol Eldho, W/o. Shajimon P.G., aged 42 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Parekudiyl House, Varapetty Po, Kothamangalam, Ernakulam – 686 691.
23. Treesa Stoy Palakkal, W/o. Jiju T.V., aged 35 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Tharayil House, Poyya PO, Thrissur District.
24. Sophy Varghese, W/o. Binu P.A., aged 40 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Pallath House, Nellimattom Po, Kothamangalam.
25. Jeena Saji, W/o. Saji A.K., aged 34 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Adakkara House, Thuruthy PO, Kothamangalam.
26. Joly I.G., W/o. C.V. Mathew, aged 53 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, residing at Chirayil House, Udayamperoor PO, Tripunithura-682 307. **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 100 002.
2. Employees State Insurance Corporation, Panchdeep Bhawan, New Delhi – 110 002, represented by its Director General.
3. The Director General, Employees State Insurance Corporation, Panchdeep Bhawan, New Delhi – 110 002.
4. The Medical Superintendent, ESIC Model & Super Specialty Hospital, Ashramam, Kollam District – 691 002.

5. The Medical Superintendent, ESIC Hospital, Udyogamandal, Ernakulam District, Pin – 683 501.
6. The Regional Director, Employees State Insurance Corporation, Regional Office, Panchadeep Bhavan, N.S. Round, Thrissur – 20.
7. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
8. The Director of Insurance Medical Services, Thycaud, Thiruvananthapuram – 695 001.
9. Sheeja Ignatius, aged 43 years, W/o. Varghese Joseph, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, Residing at Ajith Bhavan, ARA 69A, Mundakkal East, Kollam.
10. Sujathadevi B.L., aged 51 years, W/o. Krishnakumar C., Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Madavam, Perinadu PO, Kadavoor, Kollam.
11. Asha Vijayan, aged 41 years, W/o. Vijayan, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Kulangara, House No. 145 B., Asramam, Kollam.
12. Binumol Santhosh, aged 41 years, W/o. Santhosh, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at House No. 39, Sreelayam, Kavadiapuram Nagar, Asramam, Kollam.
13. Sreejamol S. aged 43 years, W/o. Ashok Kumar, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, Residing at Ashokam, 177A, Sreebhadr Nagar, Uliyakovil (PO), Kollam – 19.
14. Jemini Thomas, aged 42 years, W/o. Thomaskutty, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at House No. 201A, Grace Cottage.
15. Jayamma Jimmy, aged 39 years, W/o. Jimmy Joseph, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Sreebhadr Nagar, Uliyakovil (PO), Kollam – 19.
16. Sheelakumary, aged 49 years, W/o. Rajendraprasad, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Aswathy Bhavan, Puthenkulam PO, Paravoor, Kollam.
17. Priya Ajith, aged 40 years, W/o. Ajithkumar, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Karnikaram, Flat No. 204, Vaidya Apartment, Kavadiapuram Nagar, Asramam (PO), Kollam.

18. Annamma Thomas, aged 59 years, W/o. Sasi, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Eloor Razhikhth, Chandanathope (PO), Kollam – 14.
19. Sreeja Anil, aged 37 years, W/o. Anil, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Sreenandanam, House No. 154 A, Lakshmana Nagar, Asramam PO, Kollam.
20. Sumangala, aged 44 yeasers, W/o. Vijayakumar, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Sreelakshmy, Umayanaslloor, Estate (PO), Kollam – 691 589.
21. Aleyamma Saji, aged 41 years, W/o. Saji Joseph, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Flat No. 101/D2, Vaidya Garden, Kavadiapuram Nagar, Asramam (PO), Kollam.
22. Bindu T., aged 44 years, W/o. Devarajan, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Krishna Kripa, Manayil Kulangara Nagar – 103, Thirumullawaram, Kollam.
23. Sujatha Umesh, aged 43 years, W/o. Umesh, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at ESI Quarters No. 3, Asramam (PO), Kollam.
24. Shiny George, aged 45 years, W/o. George, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at ESI quarters No. 3, Asramam (PO), Kollam.
25. Sunimol Binu, aged 40 years, W/o. Binu, Staff Nurse, ESIC Hospital, Asramam PO, Kollam, residing at Siva Hari, Aradhana Nagar-17, Uliyakovil, Kollam.
26. Binushma P.G. Aged 37 years, W/o. Sunilkumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at TC 48/882(2), Gokulam, Konchiravila, Manakkadu PO, Thiruvananthapuram.
27. Priya P., aged 36 years, W/o. M. Thilakan, Staff Nurse, Paripally, ESI Hospital, Kollam, Kollam District, residing at Kollayil Charuvila Puthenveedu, Karimpaloor, Puthenkulam PO, Kollam – 691 302.
28. Sherin N.B., aged 36 years, W/o. Biju V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nehalayam, Alamukku, Poovachal PO, Thiruvananthapuram – 695 575.
29. Kunjumol P.N., aged 43 years, W/o. K.K. Raju, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sopanam, Samurthi Nagar, 8-A, Asramam PO, Kollam -691 302.

30. Belsister D., aged 43 years, D/o. Devanesan J., Staff Nurse, Paripally, ESI Hospital, Kollam, residing at Melmala Charuvila Puthenveedu, Kottackal PO, Thiruvananthapuram -695 124.
31. L. Padmakumari, aged 44 years, W/o. Praveen Kumar K.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna, T.C. 21/1461, Nedumcadu, Karamana PO, Thiruvananthapuram – 695 002.
32. Bindu M. Thomas, aged 42 years, W/o. Sini George, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kollamppallythara, Mera Nagar, 80-4, Mundakkal, Kollam District.
33. Indu S., aged 40 years, W/o. Padmakumar G., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nivedhyam, H.No. 08/332, Mekkone, Chandana Thoppu PO, Kollam-691014.
34. Rose Charles, aged 42 years, W/o. Shaji K.V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kokkappallil House, Thonackadu PO, Cheriyanadu, Chengannur, Allapppy District.
35. Bindu S., aged 41 years, W/o. Jayaprakash K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Puliyanmavil House, Kavumbhagam PO, Kizhakkumminri, Thiruvalla, Pathanamthitta – 689 102.
36. Sreelekha P.B., aged 43 years, W/o. P. Radhakrishnan, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Anayadi, Padeetathil, Pallarvimangalam PO, Mavelikkara, Alleppey District.
37. Kavitha Aravind, aged 40 years, W/o. Binulal, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna Gadha, Kottikada PO, Kollam District.
38. Sunitha S., aged 37 years, W/o. Shaji T.J., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Shaji Nivas, Mithranikethan PO, Vellanadu, Thiruvananthapuram.
39. Susheela T., aged 48 years, W/o. Suresh Babu V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sabhalayam, Edavattom, Vellimon PO, Keralapuram, Kollam-691511.
40. SR. Sheeba C.J., aged 35 years, D/o. C.V. Jose, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Provinciate Sisters, at the Holy Cross, Kollam.

41. Sijitha S., aged 40 years, W/o. Sunil P.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Souparnika, Kuzhiyam South Temple Nagar, House No. 5, Chandana Thoppu PO, Kollam – 691 014.
42. Seena M. Nair, aged 37 years, W/o. Anilkumar R., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Seena Sadan, Valanchery, Kilimanoor PO, Thiruvananthapuram – 695 601.
43. Annie Pius, aged 37 years, W/o. Gracious K.E., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sharon Cottage, Maruthady PO, Kollam – 691 003.
44. Sheena H.M., aged 36 years, W/o. Santhosh R.P., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Sheena Mandiram, Edathara PO, Karyam, Kadakkal, Kollam-691536.
45. Soumya S., aged 32 years, W/o. Shaiju B., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Ozhukupara House, Vattappara House, Thiruvananthapuram – 695 028.
46. Diana Joseph, aged 35 years, W/o. Asok Eapen, Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at AN-125, Adarsh Nagar, Pattom PO, Thiruvananthapuram – 695 004.
47. Laisamma P.M., aged 41 years, W/o. Kurian T.C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thadimattathil House, Parampuzha PO, Kottayam – 686 004.
48. Preetha S.V., aged 34 years, W/o. Sajumon K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Uthram, Kavottumukku, Kazhakkootam, Thiruvananthapuram-695 582.
49. Vineetha Kumary T.K., aged 33 years, W/o. G.K. Shanoj, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thraisham, Irikkunnam, Nettayam, Manicandeswaram PO, Thiruvananthapuram.
50. Surya K., aged 45 years, W/o. Madhu P.P., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kareethara House, Chettimangalam, Thekkenada PO, Vaikom, Kottayam – 686 142.
51. Jeena Paul, aged 40 years, W/o. Jiju P.D., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Pollayil House, Alangad PO, Near St. Mary's Church, Ernakulam.
52. Manju M.V., aged 39 years, W/o. G.D. Harikumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at

Gokulam, House No. 20. V.S.P. Nagar, Keravdduray, Pattom PO, Thiruvananthapuram.

53. Prabhu Kumar R.A., aged 34 years, S/o. D. Raveendran, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Pranavam, Mulammoodu, Mukkampalamoodu, Naruvamoodu PO., Thiruvananthapuram – 695 020.
 54. Geethakumari N., aged 39 years, W/o. Suresh Kumar C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nermalayam, Perumpuzha PO, Kundara, Kollam – 691 504.
 55. Roopa P., aged 38 years, W/o. Gopakumar M.G., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Anuroop, Panamanna PO, Ottappalam, Palakkadu – 679 501.
 56. Indu P.R., aged 41 years, W/o. Vijayan V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nanda Krishna, Kannimel Cherry, Maruthady, Kollam – 03.
 57. Ambili R., aged 46 years, W/o. Cyril Chacko, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kalluvila veedu, Thannicodu, Kundara, Kollam – 691 501.
 58. Ambili P.A., aged 39 years, W/o. Biju P., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Nadumuttam House, Neeleswaram PO, Kalady, Ernakulam.
- ... **Respondents**

**[By Advocates - Shri K.S. Dilip, ACGSC (R-1),
Shri T.V. Ajayakumar (R2-4),
Shri M.Rajeev, GP &
Mrs. Rekha Vasudevan (R7&8),
Shri P.V. Mohanan (R9-25)
Shri K.P. Harish (R26-58)**

2. Original Application No. 180/00673/2016 -

1. Binushma P.G. Aged 37 years, W/o. Sunilkumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at TC 48/882(2), Gokulam, Konchiravila, Manakkadu PO, Thiruvananthapuram.
2. Priya P., aged 36 years, W/o. M. Thilakan, Staff Nurse, Paripally, ESI Hospital, Kollam, Kollam District, residing at Kollayil Charuvila Puthenveedu, Karimpaloor, Puthenkulam PO, Kollam – 691 302.

3. Sherin N.B., aged 36 years, W/o. Biju V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nehalayam, Alamukku, Poovachal PO, Thiruvananthapuram – 695 575.
4. Kunjumol P.N., aged 43 years, W/o. K.K. Raju, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sopanam, Samurthi Nagar, 8-A, Asramam PO, Kollam -691 302.
5. Belsister D., aged 43 years, D/o. Devanesan J., Staff Nurse, Paripally, ESI Hospital, Kollam, residing at Melmala Charuvila Puthenveedu, Kottackal PO, Thiruvananthapuram -695 124.
6. L. Padmakumari, aged 44 years, W/o. Praveenkumar K.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna, T.C. 21/1461, Nedumacadu, Karamana PO, Thiruvananthapuram – 695 002.
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18. Annie Pius, aged 37 years, W/o. Gracious K.E., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sharon Cottage, Maruthady PO, Kollam – 691 003.
19. Sheena H.M., aged 36 years, W/o. Santhosh R.P., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Sheena Mandiram, Edathara PO, Karyam, Kadakkal, Kollam-691536.
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21. Diana Joseph, aged 35 years, W/o. Asok Eapen, Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at AN-125, Adarsh Nagar, Pattom PO, Thiruvananthapuram – 695 004.
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23. Preetha S.V., aged 34 years, W/o. Sajumon K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Uthram, Kavottumukku, Kazhakkootam, Thiruvananthapuram-695 582.
24. Vineetha Kumary T.K., aged 33 years, W/o. G.K. Shanoj, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thraisham, Irikkunnam, Nettayam, Manicandeswaram PO, Thiruvananthapuram.
25. Surya K., aged 45 years, W/o. Madhu P.P., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kareethara House, Chettimangalam, Thekkenada PO, Vaikom, Kottayam – 686 142.

26. Jeena Paul, aged 40 years, W/o. Jiju P.D., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Pollayil House, Alangad PO, Near St. Mary's Church, Ernakulam.
27. Manju M.V., aged 39 years, W/o. G.D. Harikumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Gokulam, House No. 20. V.S.P. Nagar, Keravdduray, Pattom PO, Thiruvananthapuram.
28. Prabhu Kumar R.A., aged 34 years, S/o. D. Raveendran, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Pranavam, Mulammoodu, Mukkampalamoodu, Naruvamoodu PO., Thiruvananthapuram – 695 020.
29. Geethakumari N., aged 39 years, W/o. Suresh Kumar C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nermalayam, Perumpuzha PO, Kundara, Kollam – 691 504.
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31. Indu P.R., aged 41 years, W/o. Vijayan V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nanda Krishna, Kannimel Cherry, Maruthady, Kollam – 03.
32. Ambili R., aged 46 years, W/o. Cyril Chacko, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kalluvila veedu, Thannicodu, Kundara, Kollam – 691 501.
33. Ambili P.A., aged 39 years, W/o. Biju P., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Nadumuttam House, Neeleswaram PO, Kalady, Ernakulam.

... **Applicants**

(By Advocate - Shri K.P. Harish)

Vs.

1. Employees State Insurance Corporation, Head Quarters' Office, Panchdeep Bhawan, C.I.G. Marg, New Delhi – 110 002, rep. by its Director General.
2. The Medical Commissioner, ESIC, Headquarters, Panchadeep Bhavan, CIG Marg, New Delhi.

3. The Medical Superintendent (Nodel Officer, Kerala),
ESIC Model & Super Specialty
Hospital, Ashramam, Kollam, Kollam District, Kerala – 691 002.
4. The Medical Superintendent, ESIC Hospital, Paripally,
Kollam, Kollam District, Kerala.
5. The Medical Superintendent, ESIC Hospital, Udyogamandal,
Ernakulam District, Kerala.
6. The Medical Superintendent, ESIC Hospital,
Ezhukone, Kollam, Kollam District, Kerala.
7. The Deputy Director, ESI Model & Super Speciality Hospital,
Ashramam, Kollam, Kollam District,
Kerala – 691 002. ... **Respondents**

(By Advocate - Shri T.V. Ajayakumar)

3. **Original Application No.180/00124/2017-**

Sheejamony C., D/o. V. Chellappan, aged 40 years,
Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam-691 505,
Residing at Suryodayam, Ezhukone PO, Kollam. ... **Applicant**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and
Employment, Shram Shakthi Bhavan, New Delhi – 110 002.
2. Employees State Insurance Corporation, Panchdeep Bhawan,
New Delhi – 110 002, represented by its Director General.
3. The Medical Superintendent, ESIC Model & Super Specialty
Hospital, Ashramam, Kollam District – 691 502.
4. The Deputy Director (Admin), ESIC Model and Super Specialty
Hospital, Asramam, Kollam District 691 502.
5. The Medical Superintendent, ESIC Hospital, Ezhukone,
Kollam District, Pin – 691 505.
6. The Regional Director, Employees State Insurance Corporation,
Regional Office, Panchadeep Bhavan, N.S. Round, Thrissur – 20.
7. State of Kerala, rep. by the Secretary to Government, Labour and
Rehabilitation Department, Government Secretariat,

Thiruvananthapuram – 695 023.

8. The Director of Insurance Medical Services, Thycaud, Thiruvananthapuram – 695 001.
9. Binushma P.G. Aged 37 years, W/o. Sunilkumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at TC 48/882(2), Gokulam, Konchiravila, Manakkadu PO, Thiruvananthapuram.
10. Priya P., aged 36 years, W/o. M. Thilakan, Staff Nurse, Paripally, ESI Hospital, Kollam, Kollam District, residing at Kollayil Charuvila Puthenveedu, Karimpaloor, Puthenkulam PO, Kollam – 691 302.
11. Sherin N.B., aged 36 years, W/o. Biju V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nehalayam, Alamukku, Poovachal PO, Thiruvananthapuram – 695 575.
12. Kunjumol P.N., aged 43 years, W/o. K.K. Raju, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sopanam, Samurthi Nagar, 8-A, Asramam PO, Kollam -691 302.
13. L. Padmakumari, aged 44 years, W/o. Praveen Kumar K.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna, T.C. 21/1461, Nedumacadu, Karamana PO, Thiruvananthapuram – 695 002.
14. Bindu M. Thomas, aged 42 years, W/o. Sini George, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kollamppallythara, Mera Nagar, 80-4, Mundakkal, Kollam District.
15. Indu S., aged 40 years, W/o. Padmakumar G., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nivedhyam, H.No. 08/332, Mekhone, Chandana Thoppu PO, Kollam-691014.
16. Rose Charles, aged 42years, W/o. Shaji K.V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kokkappallil House, Thonackadu PO, Cherianadu, Chengannur, Alleppey District.
17. Bindu S., aged 41 years, W/o. Jayaprakash K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Puliyanmavil House, Kavumbhagam PO, Kizhakkumminri, Thiruvalla, Pathanamthitta – 689 102.
18. Sreelekha P.B., aged 43 years, W/o. P. Radhakrishnan, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Anayadi, Padeetathil, Pallarvimangalam PO, Mavelikkara, Alleppey District.

19. Kavitha Aravind, aged 40 years, W/o. Binulal, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna Gadha, Kottikada PO, Kollam District.
20. Sunitha S., aged 37 years, W/o. Shaji T.J., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Shaji Nivas, Mithranikethan PO, Vellanadu, Thiruvananthapuram.
21. Susheela T., aged 48 years, W/o. Suresh Babu V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sabhalayam, Edavattom, Vellimon PO, Keralapuram, Kollam-691511.
22. Sijitha S., aged 40 years, W/o. Sunil P.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Souparnika, Kuzhiyam South Temple Nagar, House No. 5, Chandana Thoppu PO, Kollam – 691 014.
23. Seena M. Nair, aged 37 years, W/o. Anilkumar R., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Seena Sadan, Valanchery, Kilimanoor PO, Thiruvananthapuram – 695 601.
24. Annie Pius, aged 37 years, W/o. Gracious K.E., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sharon Cottage, Maruthady PO, Kollam – 691 003.
25. Sheena H.M., aged 36 years, W/o. Santhosh R.P., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Sheena Mandiram, Edathara PO, Karyam, Kadakkal, Kollam-691536.
26. Soumya S., aged 32 years, W/o. Shaiju B., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Ozhukupara House, Vattappara House, Thiruvananthapuram – 695 028.
27. Diana Joseph, aged 35 years, W/o. Asok Eapen, Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at AN-125, Adarsh Nagar, Pattom PO, Thiruvananthapuram – 695 004.
28. Laisamma P.M., aged 41 years, W/o. Kurian T.C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thadimattathil House, Parampuzha PO, Kottayam – 686 004.
29. Preetha S.V., aged 34 years, W/o. Sajumon K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Uthram, Kavottumukku, Kazhakkootam, Thiruvananthapuram-695 582.
30. Vineetha Kumary T.K., aged 33 years, W/o. G.K. Shanoj, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thraisham, Irikkunnam, Nettayam, Manicandeswaram PO,

Thiruvananthapuram.

31. Surya K., aged 45 years, W/o. Madhu P.P., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kareethara House, Chettimangalam, Thekkenada PO, Vaikom, Kottayam – 686 142.
32. Jeena Paul, aged 40 years, W/o. Jiju P.D., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Pollayil House, Alangad PO, Near St. Mary's Church, Ernakulam.
33. Manju M.V., aged 39 years, W/o. G.D. Harikumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Gokulam, House No. 20. V.S.P. Nagar, Keravdduray, Pattom PO, Thiruvananthapuram.
34. Prabhu Kumar R.A., aged 34 years, S/o. D. Raveendran, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Pranavam, Mulammoodu, Mukkampalamoodu, Naruvamoodu PO., Thiruvananthapuram – 695 020.
35. Geethakumari N., aged 39 years, W/o. Suresh Kumar C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nermalayam, Perumpuzha PO, Kundara, Kollam – 691 504.
36. Roopa P., aged 38 years, W/o. Gopakumar M.G., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Anuroop, Panamanna PO, Ottappalam, Palakkadu – 679 501.
37. Indu P.R., aged 41 years, W/o. Vijayan V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nanda Krishna, Kannimel Cherry, Maruthady, Kollam – 03.
38. Ambili R., aged 46 years, W/o. Cyril Chacko, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kalluvila veedu, Thannicodu, Kundara, Kollam – 691 501.
39. Ambili P.A., aged 39 years, W/o. Biju P., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Nadumuttam House, Neeleswaram PO, Kalady, Ernakulam.

... Respondents

**{By Advocates - Smt. Mini R. Menon, ACGSC (R1),
Ms. A.K. Preetha (R2-6),
Mr. M. Rajeev (GP) [R7&8] and
Mr. K.P. Harish (R9-39)}**

4. **Original Application No.180/00168/2017 -**

1. Pradeep Kumar R., S/o. Raveendrakurup, aged 47 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam-691 505, Residing at Pushpanjali, Manjanikara, Omaloor PO, Pathanamthitta.
2. Minilal K.M., D/o. B. Mohanlal, 45 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Dreams, Kakkad, Panavelly PO, Kottarakara.
3. Prabhavathi L., D/o. Sanku, aged 52 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Souparnika, Ezhukone PO, Irumpanangadu, Kollam.
4. Jayasree R., D/o. P. Madhusudhanan Nair, aged 43 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Bharany, Karicode, Ezhukone PO, Kollam.
5. Sheeba, D/o. Aloysious, aged 50 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Cherupushpa Sadanam, Padappakara PO, Mulavana, Kollam.
6. Usha V., D/o. K. sukumaran, aged 44 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Mayookham, Ampalathumkala PO, Ezhukone, Kollam.
7. P.S. Jayasree, D/o. Sukumaran Nair, aged 44 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Sreesylam, Thamarassery, Kottarakara.
8. B. Jayasree, D/o. Nanu Achary, aged 45 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Punartham, Neeleswaram PO, Neduvathoor.
9. Syny G., D/o. M. Geevarghese, aged 45 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Puthenpurayil, Ummanoor PO, Kottarakara.
10. Suja P., D/o. Purushothaman, aged 46 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Theertham, Najarakkal, Anchalummoodu, Perinadu PO, Kollam.
11. Anitha Kumari K.S., D/o. Sreedharan Pillai K.N., aged 47 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Idinjayyathu Thekkethil, Kurampala, Pandalam PO.
12. Samatha V.S., D/o. P. Vamadevan, aged 45 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Sammohanam, Kottarakara, Kollam.

13. Sherly E.R., D/o. a. Edward, aged 45 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Rose Villa, Karali Junction PO, Sasthamcotta, Kollam.
14. Vasanthakumary V.M., D/o. Late Bhuvanendran, aged 49 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Elanjikkal House, North Mynagapally PO, Kollam.
15. Sissy George, D/o. P. George, Aged 43 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Madathilazhikathu Charuvil, Koduvila PO, East Kallada. ... **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 002.
2. Employees State Insurance Corporation, Panchdeep Bhawan, New Delhi – 110 002, represented by its Director General.
3. The Medical Superintendent, ESIC Model & Super Specialty Hospital, Ashramam, Kollam District – 691 502.
4. The Deputy Director (Admin), ESIC Model and Super Specialty Hospital, Asramam, Kollam District 691 502.
5. The Medical Superintendent, ESIC Hospital, Ezhukone, Kollam District, Pin – 691 505.
6. The Regional Director, Employees State Insurance Corporation, Regional Office, Panchadeep Bhavan, N.S. Round, Thrissur – 688 020.
7. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
8. The Director of Insurance Medical Services, Thycaud, Thiruvananthapuram – 695 001.
9. Binushma P.G. Aged 37 years, W/o. Sunilkumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at TC 48/882(2), Gokulam, Konchiravila, Manakkadu PO, Thiruvananthapuram.

10. Priya P., aged 36 years, W/o. M. Thilakan, Staff Nurse, Paripally, ESI Hospital, Kollam, Kollam District, residing at Kollayil Charuvila Puthenveedu, Karimpaloor, Puthenkulam PO, Kollam – 691 302.
11. Sherin N.B., aged 36 years, W/o. Biju V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nehalayam, Alamukku, Poovachal PO, Thiruvananthapuram – 695 575.
12. Kunjumol P.N., aged 43 years, W/o. K.K. Raju, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sopanam, Samurthi Nagar, 8-A, Asramam PO, Kollam -691 302.
13. L. Padmakumari, aged 44 years, W/o. Praveen Kumar K.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna, T.C. 21/1461, Nedumacadu, Karamana PO, Thiruvananthapuram – 695 002.
14. Bindu M. Thomas, aged 42 years, W/o. Sini George, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kollamppallythara, Mera Nagar, 80-4, Mundakkal, Kollam District.
15. Indu S., aged 40 years, W/o. Padmakumar G., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nivedhyam, H.No. 08/332, Mekkon, Chandana Thoppu PO, Kollam-691014.
16. Rose Charles, aged 42 years, W/o. Shaji K.V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kokkappallil House, Thonackadu PO, Cheriyanadu, Chengannur, Allapetty District.
17. Bindu S., aged 41 years, W/o. Jayaprakash K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Puliyanmavil House, Kavumbhagam PO, Kizhakkumminri, Thiruvalla, Pathanamthitta – 689 102.
18. Sreelekha P.B., aged 43 years, W/o. P. Radhakrishnan, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Anayadi, Padeetathil, Pallarvimangalam PO, Mavelikkara, Alleppey District.
19. Kavitha Aravind, aged 40 years, W/o. Binulal, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna Gadha, Kottikada PO, Kollam District.
20. Sunitha S., aged 37 years, W/o. Shaji T.J., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Shaji Nivas, Mithranikethan PO, Vellanadu, Thiruvananthapuram.

21. Susheela T., aged 48 years, W/o. Suresh Babu V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sabhalayam, Edavattom, Vellimon PO, Keralapuram, Kollam-691511.
22. Sijitha S., aged 40 years, W/o. Sunil P.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Souparnika, Kuzhiyam South Temple Nagar, House No. 5, Chandana Thoppu PO, Kollam – 691 014.
23. Seena M. Nair, aged 37 years, W/o. Anilkumar R., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Seena Sadan, Valanchery, Kilimanoor PO, Thiruvananthapuram – 695 601.
24. Annie Pius, aged 37 years, W/o. Gracious K.E., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sharon Cottage, Maruthady PO, Kollam – 691 003.
25. Sheena H.M., aged 36 years, W/o. Santhosh R.P., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Sheena Mandiram, Edathara PO, Karyam, Kadakkal, Kollam-691536.
26. Soumya S., aged 32 years, W/o. Shaiju B., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Ozhukupara House, Vattappara House, Thiruvananthapuram – 695 028.
27. Diana Joseph, aged 35 years, W/o. Asok Eapen, Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at AN-125, Adarsh Nagar, Pattom PO, Thiruvananthapuram – 695 004.
28. Laisamma P.M., aged 41 years, W/o. Kurian T.C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thadimattathil House, Parampuzha PO, Kottayam – 686 004.
29. Preetha S.V., aged 34 years, W/o. Sajumon K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Uthram, Kavottumukku, Kazhakkootam, Thiruvananthapuram-695 582.
30. Vineetha Kumary T.K., aged 33 years, W/o. G.K. Shanoj, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thraisham, Irikkunnam, Nettayam, Manicandeswaram PO, Thiruvananthapuram.
31. Surya K., aged 45 years, W/o. Madhu P.P., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kareethara House, Chettimangalam, Thekkenada PO, Vaikom, Kottayam – 686 142.
32. Jeena Paul, aged 40 years, W/o. Jiju P.D., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Pollayil House, Alangad PO, Near St. Mary's Church,

Ernakulam.

33. Manju M.V., aged 39 years, W/o. G.D. Harikumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Gokulam, House No. 20. V.S.P. Nagar, Keravdduray, Pattom PO, Thiruvananthapuram.
34. Prabhu Kumar R.A., aged 34 years, S/o. D. Raveendran, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Pranavam, Mulammoodu, Mukkampalamoodu, Naruvamoodu PO., Thiruvananthapuram – 695 020.
35. Geethakumari N., aged 39 years, W/o. Suresh Kumar C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nermalayam, Perumpuzha PO, Kundara, Kollam – 691 504.
36. Roopa P., aged 38 years, W/o. Gopakumar M.G., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Anuroop, Panamanna PO, Ottappalam, Palakkadu – 679 501.
37. Indu P.R., aged 41 years, W/o. Vijayan V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nanda Krishna, Kannimel Cherry, Maruthady, Kollam – 03.
38. Ambili R., aged 46 years, W/o. Cyril Chacko, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kalluvila veedu, Thannicodu, Kundara, Kollam – 691 501.
39. Ambili P.A., aged 39 years, W/o. Biju P., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Nadumuttam House, Neeleswaram PO, Kalady, Ernakulam.

... Respondents

**{By Advocates - Shri V.A. Shaji, ACGSC (R1),
Ms. A.K. Preetha (R2-6),
Mr. M. Rajeev (GP) [R7&8] and
Mr. K.P. Harish (R9-39)}**

5. Original Application No.180/00176/2017

1. Mary Usha A., D/o. S. Alexander, aged 55 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Abhi Nivas, Perayam, Mulavana PO, Kollam.
2. Mary Vimala C.S., D/o. Stansilouse, aged 54 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Vimala Sadan, Keralapuram, Perumpuzha PO, Kollam.

3. C.R. Chandralekha, D/o. N. Ramakrishnan Vaidyan, aged 55 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Krishnapriya, Thazhamel, Anchal PO, Kollam.
4. Lizy A., D/o. Antony, aged 53 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Limla Bhavan, Keralapuram, Perumpuzha PO, Kollam.
5. Radhamoni S., D/o. Sankaran, aged 60 years, Rtd. Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Pulari, Pulipara Junction, Mulavana PO, Kundara, Kollam.
6. Sushama N., D/o. Sukumaran K., aged 56 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Kairali Nivas, Pochamkonam, Ezhukone PO, Kollam.
7. Jayanthi N.A., D/o. Kuttappan PO, aged 51 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Venmathy, SRP Market PO, Karunagappally, Kollam. **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 002.
2. Employees State Insurance Corporation, Panchdeep Bhawan, New Delhi – 110 002, represented by its Director General.
3. The Medical Superintendent, ESIC Model & Super Specialty Hospital, Ashramam, Kollam District – 691 502.
4. The Deputy Director (Admin), ESIC Model and Super Specialty Hospital, Asramam, Kollam District 691 502.
5. The Medical Superintendent, ESIC Hospital, Ezhukone, Kollam District, Pin – 691 505.
6. The Regional Director, Employees State Insurance, Regional Office, Corporation, Panchadeep Bhavan, N.S. Round, Thrissur – 688 020.
7. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
8. The Director of Insurance Medical Services, Thycaud, Thiruvananthapuram – 695 001.

9. Asha Varghese, aged 47 years, W/o. Varghese Abraham, Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Peace Cottage, 39/A, Bappugi Nagar, Asramam PO, Kollam District.
 10. Maya T.R., Aged 44 years, W/o. Saju K.S., Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Uthradam, Kottiyam PO, Kollam District.
 11. Sheeja V., aged 44 years, W/o. Aniyam D.V., Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Soorya Ganga, Mayyanad PO, Kollam District.
 12. Smitha S.S., aged 44 years, W/o. Anilkumar K., Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at ESIC Staff Quarters-6, Desinganadu Nagar – 156, Asramam, \ Kollam – 691 002.
 13. Saseendra O., aged 46 years, W/o. Ajith, Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Krishnakripa, Pampalil, Perinad PO, Kollam District.
 14. Lincy Jolly, aged 46 years, W/o. Jolly Antony, Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at B-302, Vaidya Gardens Flat, Kavadiapuram Nagar, Asramam, Kollam District.
 15. Saji Joseph, aged 47 years, S/o. Joseph, Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at B-302, Vaidya Gardens Flat, Kavadiapuram Nagar, Asramam, Kollam District.
 16. Bindu Ammal R., aged 44 years, W/o. Anilkumar S., Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Punartham, Thattamala PO, Kollam District.
 17. Sini Retnam R., Aged 45 years, W/o. Viju Panicker P.K., Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Sini Nivas, Umayanalloor PO, Kollam District.
 18. Sherly Jiju, aged 41 years, W/o. Jiju C. Abraham, Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at House No. 372, Bhawana Nagar, Kadappakada PO, Kollam District.
 19. M. Suja, aged 46 years, W/o. Suresh Babu K.N., Nursing Sister, ESIC Model Hospital, Asramam, Kollam District, Residing at Avittam, House No. 433, Vydyasala Nagar, Asramam, Kollam District.
- ... **Respondents**

**[By Advocates - Shri Thomas Mathew Nellimoottil, Sr. PCGC (R1),
Mr. Adarsh Kumar (R2-6)
Shri M. Rajeev, GP (R7&8) and
Mr. K.P. Harish (R9-19)]**

6. Original Application No.180/00282/2017 -

1. T.R. Molly, D/o. J. Titus, aged 44 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, Residing at Kavya, OPP to Vimala Central School, Karamcod PO, Chathanoor, Kollam.
2. Reni A. George, D/o. A.V. George, aged 47 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Karunya, Erom North, Chathanoor.
3. Bindu S.S., D/o. Sadasivan, aged 42 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Savithri Bhavan, Pulimath PO., Porunthamon.
4. Saraswathy P., D/o. P. Parameswara Panikker, aged 50 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Souparnik, Koonayil, Paravur PO, Kollam.
5. Sudhamony S., D/o. Sankaran, aged 48 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Plavilaveedu, Maidanam, Varkala PO, Varkala.
6. Laila C.L., D/o. P.K. Leshmanan, aged 44 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Akshya, Kurumandal, Paravur.
7. Bindu K., D/o. Ponnayyan, aged 43 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Anizham, Pattathanam, Kollam.
8. Sunija C., D/o. Chandrasenan M., aged 44 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Rajagiri, Valathungal, Kollam.
9. Girija Kumari G., D/o. Gopinathan Nair, aged 46 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at V.V. Nivas, Navaikulam PO, Thiruvananthapuram.
10. Moly I., D/o. K.K. Mukundan, aged 43 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Planthottam, Pozhikkara, Paravoor S., Kollam.

11. Moni G., D/o. George, aged 56 years, Staff Nurse, ESIC Hospital, Parripally, Kollam – 691 574, residing at Annu Villa, Eramthikku, Karamcode. **Applicants**

(By Advocate - Shri V. Sajith Kumar)
Vs.

1. Union of India, represented by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 001.
2. Employees State Insurance Corporation, Panchadweep Bhavan, CIG Road, New Delhi – 02, represented by its Director General.
3. The Medical Superintendent, ESIC Hospital, Parippally, Kollam District – 691 574.
4. Deputy Director (Admin), ESIC Model and Super Speciality Hospital, Asram, Kollam District – 691 502.
5. State of Kerala, rep. By the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 001.
6. The Director of Insurance Medical Services, Thycad, Thiruvananthapuram – 695 001. ... **Respondents**

**[By Advocates - Shri Brijesh A.S., ACGSC (R1),
Shri T.V. Ajayakumar (R2-4) and
Shri M. Rajeev, GP (R5&6)]**

7. Original Application No.180/00273/2018 -

1. Hajara O.H., W/o. K.K. Azeez, aged 48 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Kalangara House, Palathuruth, Chendamangalam PO, North Paravoor, Ernakulam.
2. Margarat C.L., W/o. Biju Varghese, aged 47 years, Staff Nurse Higher Grade, ESI Hospital, Udyogamandal, Ernakulam, residing at Thottathian House, Allapra PO, Perumbavoor, Ernakulam.
3. Vikjayamma C.K., W/o. Raju K.K., aged 46 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Kallingal House, Mamannoor PO, Cherukunnam, Perumbavoor 683 549, Ernakulam.
4. Sreerekha T.N., W/o. Sasi P.K., aged 46 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Pappalil House, S. Marady PO, Muvattupuzha, Ernakulam.

5. Simi N.D., W/o. Jiji Joseph, aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Pettah House, Varapuzha PO, Ernakulam.
6. Rethy T.G., W/o. Babu K., aged 45 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Punartham House, West Kadungalloor, Muppathadam PO, Aluva, Ernakulam.
7. Jessy T.K., W/o. Sunil P. Johns, aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Pittappilly House, Kuruppumpady PO, Para, Ernakulam.
8. Bindumol M.N., W/o. Surendran, aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Manickakunnel House, Lakkattoor PO, Kottayam.
9. C.R. Shija, W/o. U.V. Sahajan, aged 40 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at ESIC Quarters No. 17, Pathalam, Udyogamandal – 683 501, Ernakulam.
10. Sabida P.S., W/o. Pradeep K.S., aged 42 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Kizhakkepokkathara, Vaikom PO, Kottayam.
11. Naseema C.M., W/o. Johnson Thomas, aged 37 years, Staff Nurse, ESI Hospital, Udyogamandal, Ernakulam, residing at Karalil Johnson Villa, East Kallada PO, Kollam 691 502.
12. Renjini E.K., W/o. Rejeesh Francis, aged 41 years, Staff Nurse, ESI Hospital, Udyogamandal, Ernakulam, residing at Kanjirathinkal House, Thodupuzha PO, Olamattom, Idukki.
13. Sajitha Joseph, W/o. Kunjumon Thomas, aged 43 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Malarkattu House, Kanakkary PO, Kottayam 686 632.
14. Biji T.M., W/o. Skariah K.K., aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Kuttikattu House, Kunnackal PO, Valakom, Muvattupuzha, Ernakulam.
15. Siby T. Mathew, W/o. Thankachan Joseph, aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Avirappattu House, Kuruppampady PO, Perumbavoor, Ernakulam.
16. Shyni P. W/o. Vipinchandran, aged 46 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Sreenilayath, Vadayar PO, Thalayolaparambu, Kottayam.

17. Naseera M.P., W/o. Aliar M.B., aged 37 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Manickal House, Pareekkanni PO, Paimattom, Ernakulam.
18. Pushpitha Poullose, W/o. Joju V.R., aged 37 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Vadayil House, Mathilakam PO, Thrissur.
19. K.T. Omana, W/o. M.P. Sasi, aged 52 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Sisiram House, Zeenath Junction, Aluva, Ernakulam.
20. P.K. Jamuna, W/o. M.K. Shaju, aged 49 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Parappattu House, Pampakuda PO, Ernakulam 686 667.
21. Elbymol Eldho, W/o. Shajimon P.G., aged 46 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Parekudiyil House, Varapetty PO, Kothamangalam, Ernakulam, 686 691.
22. Treesa Stoy Palakkal, W/o. Jiju T.V., aged 39 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Tharayil House, Poyya PO, Thrissur District.
23. Sophya Varghese, W/o. Binu P.A., aged 44 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Pallath House, Nellimattom PO, Kothamangalam, Ernakulam.
24. Jeena Saji, W/o. Saji A.K., aged 38 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Adakkara House, Thuruthy PO, Perumbavoor, Ernakulam. **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 001.
2. Employees State Insurance Corporation, Panchadweep Bhavan, New Delhi – 110 002, represented by its Director General.
3. The Director General, Employees State Insurance Corporation, Panchadeep Bhavan, New Delhi 110 002.
4. The Medical Commissioner, Employees State Insurance Corporation, Panchadeep Bhavan, New Delhi 110 002.

5. The Medical Superintendent, ESIC Model and Super Speciality Hospital, Asramam, Kollam District, Pin 691 002.
6. The Medical Superintendent, ESIC Hospital, Udyogamandal, Ernakulam District, Pin 683 501.
7. The Regional Director, Employees State Insurance, Regional Office, Corporation, Panchadeep Bhavan, N.S. Round, Thrissur – 688020.
8. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
9. The Director of Insurance Medical Services, Thycad, Thiruvananthapuram – 695 001.
10. Binushma P.G. Aged 37 years, W/o. Sunilkumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at TC 48/882(2), Gokulam, Konchiravila, Manakkadu PO, Thiruvananthapuram.
11. Priya P., aged 36 years, W/o. M. Thilakan, Staff Nurse, Paripally, ESI Hospital, Kollam, Kollam District, residing at Kollayil Charuvila Puthenveedu, Karimpaloor, Puthenkulam PO, Kollam – 691 302.
12. Sherin N.B., aged 36 years, W/o. Biju V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nehalayam, Alamukku, Poovachal PO, Thiruvananthapuram – 695 575.
13. Kunjumol P.N., aged 43 years, W/o. K.K. Raju, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sopanam, Samurthi Nagar, 8-A, Asramam PO, Kollam -691 302.
14. L. Padmakumari, aged 44 years, W/o. Praveen Kumar K.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna, T.C. 21/1461, Nedumacadu, Karamana PO, Thiruvananthapuram – 695 002.
15. Bindu M. Thomas, aged 42 years, W/o. Sini George, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kollamppallythara, Mera Nagar, 80-4, Mundakkal, Kollam District.
16. Indu S., aged 40 years, W/o. Padmakumar G., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nivedhyam, H.No. 08/332, Mekkone, Chandana Thoppu PO, Kollam-691014.

17. Rose Charles, aged 42years, W/o. Shaji K.V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kokkappallil House, Thonackadu PO, Cherianadu, Chengannur, Allapppy District.
18. Bindu S., aged 41 years, W/o. Jayaprakash K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Puliyanmavil House, Kavumbhagam PO, Kizhakkumminri, Thiruvalla, Pathanamthitta – 689 102.
19. Sreelekha P.B., aged 43 years, W/o. P. Radhakrishnan, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Anayadi, Padeetathil, Pallarvimangalam PO, Mavelikkara, Alleppey District.
20. Kavitha Aravind, aged 40 years, W/o. Binulal, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna Gadha, Kottikada PO, Kollam District.
21. Sunitha S., aged 37 years, W/o. Shaji T.J., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Shaji Nivas, Mithranikethan PO, Vellanadu, Thiruvananthapuram.
22. Susheela T., aged 48 years, W/o. Suresh Babu V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sabhalayam, Edavattom, Vellimon PO, Keralapuram, Kollam-691511.
23. Sijitha S., aged 40 years, W/o. Sunil P.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Souparnika, Kuzhiyam South Temple Nagar, House No. 5, Chandana Thoppu PO, Kollam – 691 014.
24. Seena M. Nair, aged 37 years, W/o. Anilkumar R., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Seena Sadan, Valanchery, Kilimanoor PO, Thiruvananthapuram – 695 601.
25. Annie Pius, aged 37 years, W/o. Gracious K.E., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sharon Cottage, Maruthady PO, Kollam – 691 003.
26. Sheena H.M., aged 36 years, W/o. Santhosh R.P., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Sheena Mandiram, Edathara PO, Karyam, Kadakkal, Kollam-691536.
27. Soumya S., aged 32 years, W/o. Shaiju B., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Ozhukupara House, Vattappara House, Thiruvananthapuram – 695 028.

28. Diana Joseph, aged 35 years, W/o. Asok Eapen, Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at AN-125, Adarsh Nagar, Pattom PO, Thiruvananthapuram – 695 004.
29. Laisamma P.M., aged 41 years, W/o. Kurian T.C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thadimattathil House, Parampuzha PO, Kottayam – 686 004.
30. Preetha S.V., aged 34 years, W/o. Sajumon K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Uthram, Kavottumukku, Kazhakkootam, Thiruvananthapuram-695 582.
31. Vineetha Kumary T.K., aged 33 years, W/o. G.K. Shanoj, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thraisham, Irikkunnam, Nettayam, Manicandeswaram PO, Thiruvananthapuram.
32. Surya K., aged 45 years, W/o. Madhu P.P., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kareethara House, Chettimangalam, Thekkenada PO, Vaikom, Kottayam – 686 142.
33. Jeena Paul, aged 40 years, W/o. Jiju P.D., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Pollayil House, Alangad PO, Near St. Mary's Church, Ernakulam.
34. Manju M.V., aged 39 years, W/o. G.D. Harikumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Gokulam, House No. 20, V.S.P. Nagar, Keravdduray, Pattom PO, Thiruvananthapuram.
35. Prabhu Kumar R.A., aged 34 years, S/o. D. Raveendran, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Pranavam, Mulammoodu, Mukkampalamoodu, Naruvamoodu PO., Thiruvananthapuram – 695 020.
36. Geethakumari N., aged 39 years, W/o. Suresh Kumar C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nermalayam, Perumpuzha PO, Kundara, Kollam – 691 504.
37. Roopa P., aged 38 years, W/o. Gopakumar M.G., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Anuroop, Panamanna PO, Ottappalam, Palakkadu – 679 501.
38. Indu P.R., aged 41 years, W/o. Vijayan V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nanda Krishna, Kannimel Cherry, Maruthady, Kollam – 03.

39. Ambili R., aged 46 years, W/o. Cyril Chacko, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kalluvila veedu, Thannicodu, Kundara, Kollam – 691 501.
40. Ambili P.A., aged 39 years, W/o. Biju P., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Nadumuttam House, Neeleswaram PO, Kalady, Ernakulam. ... **Respondents**

**{By Advocates - Shri V.A. Shaji, ACGSC (R1),
Ms. A.K. Preetha (R2-7),
Mr. M. Rajeev (GP) [R8&9] and
Mr. Jackson Johny (R10-40)}**

8. Original Application No.180/00276/2018 -

1. Pradeep Kumar R., S/o. Raveendrakurup, aged 49 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam 691 505, Residing at Pushpanjali, Manjanikara, Omaloor PO, Pathanamthitta.
2. Usha V., D/o. Sukumaran, aged 45 years, Staff Nurse Grade-I, ESI Hospital, Ezhukone, Kollam 691 505, Residing at Mayookham, Ampalathumkala PO, Ezhukone, Kollam.
3. Minilal K.M., D/o. B. Mohanlal, aged 46 years, Staff Nurse Grade-I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Dreams, Kakkad, Panavelly PO, Kottakara, Kollam.
4. Suja P., D/o. Purushothaman, aged 47 years, Staff Nurse Grade I, ESI Hospital, Ezhukone, Kollam – 691 505, Residing at Theertham, Njarakkal, Anchalummoodu, Perinadu PO, Kollam. **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 001.
2. Employees State Insurance Corporation, Panchadweep Bhavan, New Delhi – 110 002, represented by its Director General.
3. The Director General, Employees State Insurance Corporation, Panchadeep Bhavan, New Delhi 110 002.
4. The Medical Commissioner, Employees State Insurance Corporation, Panchadeep Bhavan, New Delhi 110 002.

5. The Medical Superintendent, ESIC Model and Super Speciality Hospital, Asramam, Kollam District, Pin 691 502.
6. The Medical Superintendent, ESIC Hospital, Udyogamandal, Ernakulam District, Pin 683 501.
7. The Regional Director, Employees State Insurance, Regional Office, Corporation, Panchadeep Bhavan, N.S. Round, Thrissur – 688020.
8. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
9. The Director of Insurance Medical Services, Thycad, Thiruvananthapuram – 695 001.
10. Binushma P.G. Aged 37 years, W/o. Sunilkumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at TC 48/882(2), Gokulam, Konchiravila, Manakkadu PO, Thiruvananthapuram.
11. Priya P., aged 36 years, W/o. M. Thilakan, Staff Nurse, Paripally, ESI Hospital, Kollam, Kollam District, residing at Kollayil Charuvila Puthenveedu, Karimpaloor, Puthenkulam PO, Kollam – 691 302.
12. Sherin N.B., aged 36 years, W/o. Biju V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nehalayam, Alamukku, Poovachal PO, Thiruvananthapuram – 695 575.
13. Kunjumol P.N., aged 43 years, W/o. K.K. Raju, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sopanam, Samurthi Nagar, 8-A, Asramam PO, Kollam -691 302.
14. L. Padmakumari, aged 44 years, W/o. Praveen Kumar K.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna, T.C. 21/1461, Nedumacadu, Karamana PO, Thiruvananthapuram – 695 002.
15. Bindu M. Thomas, aged 42 years, W/o. Sini George, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kollamppallythara, Mera Nagar, 80-4, Mundakkal, Kollam District.
16. Indu S., aged 40 years, W/o. Padmakumar G., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nivedhyam, H.No. 08/332, Mekhone, Chandana Thoppu PO, Kollam-691014.
17. Rose Charles, aged 42 years, W/o. Shaji K.V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at

Kokkappallil House, Thonackadu PO, Cheriyannadu, Chengannur, Alleppey District.

18. Bindu S., aged 41 years, W/o. Jayaprakash K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Puliyanmavil House, Kavumbhagam PO, Kizhakkumminri, Thiruvalla, Pathanamthitta – 689 102.
19. Sreelekha P.B., aged 43 years, W/o. P. Radhakrishnan, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Anayadi, Padeetathil, Pallarvimangalam PO, Mavelikkara, Alleppey District.
20. Kavitha Aravind, aged 40 years, W/o. Binulal, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Krishna Gadha, Kottikada PO, Kollam District.
21. Sunitha S., aged 37 years, W/o. Shaji T.J., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Shaji Nivas, Mithranikethan PO, Vellanadu, Thiruvananthapuram.
22. Susheela T., aged 48 years, W/o. Suresh Babu V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sabhalayam, Edavattom, Vellimon PO, Keralapuram, Kollam-691511.
23. Sijitha S., aged 40 years, W/o. Sunil P.S., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Souparnika, Kuzhiyam South Temple Nagar, House No. 5, Chandana Thoppu PO, Kollam – 691 014.
24. Seena M. Nair, aged 37 years, W/o. Anilkumar R., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Seena Sadan, Valanchery, Kilimanoor PO, Thiruvananthapuram – 695 601.
25. Annie Pius, aged 37 years, W/o. Gracious K.E., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Sharon Cottage, Maruthady PO, Kollam – 691 003.
26. Sheena H.M., aged 36 years, W/o. Santhosh R.P., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Sheena Mandiram, Edathara PO, Karyam, Kadakkal, Kollam-691536.
27. Soumya S., aged 32 years, W/o. Shaiju B., Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at Ozhukupara House, Vattappara House, Thiruvananthapuram – 695 028.
28. Diana Joseph, aged 35 years, W/o. Asok Eapen, Staff Nurse, Parippally, ESI Hospital, Kollam, Kollam District, residing at AN-125, Adarsh Nagar, Pattom PO, Thiruvananthapuram – 695 004.

29. Laisamma P.M., aged 41 years, W/o. Kurian T.C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thadimattathil House, Parampuzha PO, Kottayam – 686 004.
30. Preetha S.V., aged 34 years, W/o. Sajumon K., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Uthram, Kavottumukku, Kazhakkootam, Thiruvananthapuram-695 582.
31. Vineetha Kumary T.K., aged 33 years, W/o. G.K. Shanoj, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Thraisham, Irikkunnam, Nettayam, Manicandeswaram PO, Thiruvananthapuram.
32. Surya K., aged 45 years, W/o. Madhu P.P., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kareethara House, Chettimangalam, Thekkenada PO, Vaikom, Kottayam – 686 142.
33. Jeena Paul, aged 40 years, W/o. Jiju P.D., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Pollayil House, Alangad PO, Near St. Mary's Church, Ernakulam.
34. Manju M.V., aged 39 years, W/o. G.D. Harikumar, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Gokulam, House No. 20. V.S.P. Nagar, Keravdduray, Pattom PO, Thiruvananthapuram.
35. Prabhu Kumar R.A., aged 34 years, S/o. D. Raveendran, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Pranavam, Mulammoodu, Mukkampalamoodu, Naruvamoodu PO., Thiruvananthapuram – 695 020.
36. Geethakumari N., aged 39 years, W/o. Suresh Kumar C., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nermalayam, Perumpuzha PO, Kundara, Kollam – 691 504.
37. Roopa P., aged 38 years, W/o. Gopakumar M.G., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Anuroop, Panamanna PO, Ottappalam, Palakkadu – 679 501.
38. Indu P.R., aged 41 years, W/o. Vijayan V., Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Nanda Krishna, Kannimel Cherry, Maruthady, Kollam – 03.
39. Ambili R., aged 46 years, W/o. Cyril Chacko, Staff Nurse, Ashramam, ESI Hospital, Kollam, Kollam District, residing at Kalluvila veedu, Thannicodu, Kundara, Kollam – 691 501.

40. Ambili P.A., aged 39 years, W/o. Biju P., Staff Nurse, Udyogamandal, ESI Hospital, Ernakulam, Ernakulam District, residing at Nadumuttam House, Neeleswaram PO, Kalady, Ernakulam. ... **Respondents**

**{By Advocates - Shri V.A. Shaji, ACGSC (R1),
Ms. A.K. Preetha (R2-7),
Mr. M. Rajeev (GP) [R8&9] and
Mr. Jackson Johny (R10-40)}**

9. Original Application No.180/00364/2018 -

1. V.P. Gracy, W/o. Thankachan A.A., aged 55 years, Head Nurse (Nursing Sister), ESI Hospital, Udyogamandal, Ernakulam, residing at Erappapeedickal House, Mekkadampu PO, Muvattupuzha, Ernakulam.
2. Tessy T Joseph, W/o. G.T. Varghese, aged 56 years, Head Nurse (Nursing Sister), ESI Hospital, Udyogamandal, Ernakulam, residing at Gopurathinkal House, Karayamparambu, Karukutty PO, Angamaly, Ernakulam.
3. Minimol T.R., W/o. P.K. Purushothaman, aged 46 years, Head Nurse (Nursing Sister), ESI Hospital, Udyogamandal, Ernakulam, residing at Puthuveettuvelli House, Charamangalam, Muhamma PO, Alappuzha.
4. P.M. Sherly, W/o. C.J. George, aged 43 years, Head Nurse (Nursing Sister), ESI Hospital, Udyogamandal, Ernakulam, residing at Chalarakkal House, Vallarpadam PO, Panambukad, Kochi, 682 504, Ernakulam.
5. Sujamol M.T., W/o. Gopi C.K., aged 45 years, Head Nurse (Nursing Sister), ESI Hospital, Udyogamandal, Ernakulam, residing at Puthiyaparambil House, KCRA – 226/A, Kureekadu PO, Chottanikkara, Ernakulam. ... **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 002.
2. Employees State Insurance Corporation, Panchadweep Bhavan, New Delhi – 110 002, represented by its Director General.
3. The Director General, Employees State Insurance Corporation, Panchadeep Bhavan, New Delhi 110 002.

4. The Medical Commissioner, Employees State Insurance Corporation, Panchadeep Bhavan, New Delhi 110 002.
5. The Medical Superintendent, ESIC Model and Super Speciality Hospital, Asramam, Kollam District, Pin 691 002.
6. The Medical Superintendent, ESIC Hospital, Udyogamandal, Ernakulam District, Pin 683 501.
7. The Regional Director, Employees State Insurance, Regional Office, Corporation, Panchadeep Bhavan, N.S. Round, Thrissur – 688020.
8. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
9. The Director of Insurance Medical Services, Thycad, Thiruvananthapuram – 695 001. ... **Respondents**

**{By Advocates - Ms. A.K. Preetha (R2-7),
Mr. M. Rajeev (GP) [R8&9]}**

10. Original Application No.180/00369/2018 -

1. Sushama N., D/o. Sukumaran K., aged 57 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Kairali Nivas, Pochamkonam, Ezhukone PO, Kollam.
2. Mary Usha A., D/o. S. Alexander, aged 56 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Abhi Nivas, Perayam, Mulavana PO, Kollam.
3. Mary Vimala C.S., D/o. Stansilouse, aged 55 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Vimala Sadan, Keralapuram, Perumpuzha PO, Kollam.
4. C.R. Chandralekha, D/o. N. Ramakrishnan Vaidyan, aged 56 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Krishnapriya, Thazhamel, Anchal PO, Kollam.
5. Lizy A., D/o. Antony, aged 54 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Limla Bhavan, Keralapuum, Perumpuzha PO, Kollam.
6. Jayanthi N.A., D/o. Kuttappan PO, aged 52 years, Nursing Sister, ESI Hospital, Ezhukone, Kollam – 691 505, residing at Venmathy, SRP Market PO, Karunagappally, Kollam. **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhawan, New Delhi 110 002.
2. Employees State Insurance Corporation,
Panchadeep Bhavan, New Delhi 110 002,
represented by its Director General.
3. The Medical Superintendent, ESIC Model and Super
Specialty Hospital, Asramam, Kollam District 691 502.
4. The Deputy Director (Admin), ESIC Model and
Super Specialty Hospital, Asramam, Kollam District 691 502.
5. The Medical Superintendent, ESIC Hospital,
Ezhukone, Kollam District, Pin – 691 505.
6. The Regional Director, Employees State Insurance, Regional Office,
Corporation, Panchadeep Bhavan, N S Round, Thrissur – 688 020.
7. State of Kerala, rep. by the Secretary to Government,
Labour and Rehabilitation Department, Government Secretariat,
Thiruvananthapuram – 695 023.
8. The Director of Insurance Medical Services, Thycaud,
Thiruvananthapuram 695 001. ... **Respondents**

**{By Advocates - Shri Anil Ravi, ACGSC (R1),
Mr. Sandesh Raja (R2-6),
Mr. M. Rajeev (GP) [R7&8]}**

11. Original Application No.180/00769/2018-

1. Sujamol M.T., W/o. C.K. Gopi, aged 41 years, Head Nurse,
ESI Hospital, Udyogamandal, residing at Puthiyaparambil House,
Thiruvampadi PO, Pazuthuruthu, Kadathuruthi, Kottayam District.
2. Sherly P.M., W/o. George, aged 45 years, Head Nurse,
ESI Hospital, Udyogmandal, residing at Chalarackal House,
Vallarpadam PO, Panambukadu, Ernakulam District.
3. Minimol T.R., W/o. P.K. Purushothaman, aged 45 years,
Head Nurse, ESI Hospital, Udyogamandal, residing at
Puthuveettuveli, Charamangalam, Muhamma PO, Alappuzha-

688 525.

4. Sreerekha T.N., W/o. Sasi P.K., aged 47 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Pappalil House, S. Marady PO, Muvattupuzha, Ernakulam.
5. Simi N.D., W/o. Jiji Joseph, aged 43 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Pettah House, Varapuzha PO, Ernakulam.
6. Rethy T.G., W/o. Babu K., aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Punartham House, West Kadungalloor, Muppathadam PO, Aluva, Ernakulam.
7. Jessy T.K., W/o. Sunil P. John, aged 43 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Pittappilly House, Kuruppampady PO, Para, Ernakulam.
8. Bindumol M.N., W/o. Surendran, aged 44 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Manickakunnel House, Lakkattoor PO, Kottayam.
9. Vijayamma C.K., W/o. Raju K.K., aged 46 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Kallingal House, Asamannor PO, Cherukunnam, Perumbavoor 683 549, Ernakulam.
10. Biji T.M., W/o. Skariah K.K., aged 43 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Kuttikattu House, Kunnackal PO, Valakom, Muvattupuzha, Ernakulam.
11. Sibi T. Mathew, W/o. Thankachan Joseph, aged 43 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Avirappattu House, Kuruppampady PO, Perumbavoor, Ernakulam.
12. Margarat C.L., W/o. Biju Varghese, aged 45 years, Staff Nurse Higher Grade I, ESI Hospital, Udyogamandal, residing at Thottathiyen House, Allapra PO, Perumbavoor, Ernakulam.
13. Shyni P., W/o. Vipinchandran, aged 45 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Sreenilayath, Vadayar PO, Thalayolaparambu, Kottayam.
14. Naseera M.P., W/o. Aliar M.B., aged 35 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Manickal House, Pareekkanni PO, Paimattom, Ernakulam.
15. Pushpitha Poullose, W/o. Joju V.R., aged 35 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at

Vadayil House, Mathilakam PO, Thrissur.

16. P.K. Jamuna, W/o. M.K. Shaju, aged 48 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Parappattu House, Pampakuda PO, Ernakulam – 686 667.
17. K.T. Omana, W/o. M.P. Sasi, aged 51 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Sisiram House, Zeenath Junction, Aluva, Ernakulam.
18. Hajara O.H., W/o. K.K. Azeez, aged 46 years, Staff Nurse Grade I, ESI Hospital, Udyogamandal, Ernakulam, residing at Kalangara House, Palathuruth, Chendamangalam PO, North Paravoor, Ernakulam.
19. Elbymol Eldho, W/o. Shajimon P.G., aged 45 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Parekudiyil House, Varapetty PO, Kothamangalam, Ernakulam 686 691.
20. Treesa Stoy Palakkal, W/o. Jiju T.V., aged 38 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Tharayil House, Poyya Po, Thrissur District.
21. Sophya Varghese, W/o. Binu P.A., aged 43 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Pallath House, Nellimattom PO, Kothamangalam, Ernakulam.
22. Jeena Saji, W/o. Saji A.K., aged 37 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Adakkara House, Thuruthy PO, Perumbavoor, Ernakulam.
23. Shija C.R., W/o. U.V. Sahajan, aged 39 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at ESIC Quarters No. 17, Pathalam, Udyogamandal 683 501, Ernakulam.
24. Sabida P.S., W/o. Pradeep K.S., aged 41 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Kishakkepokkathara, Vaikom PO, Kottayam.
25. Naseema C.M., W/o. Johnson Thomas, aged 36 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Karalil Johnson Villa, East Kalada PO, Kollam-691 502.
26. Renjini E.K., W/o. Rejeesh Francis, aged 40 years, Staff Nurse, ESI Hospital, Udyogamandal, Ernakulam, residing at Kanjirathinkal House, Thodupuzha PO, Olamattom, Idukki.

27. Sajitha Joseph, W/o. Kunjumon Thomas, aged 41 years, Staff Nurse Grade II, ESI Hospital, Udyogamandal, Ernakulam, residing at Malarkattu House, Kanakkary PO, Kottayam 686 632.
28. V.P. Gracy, W/o. Thankachen A.A., aged 53 years, Head Nurse, ESI Hospital, Udyogamandal, Ernakulam, residing at Erattupeedickkal House, Mekkadampu PO, Muvattupuzha.
29. Tessy T. Joseph, W/o. G.T. Varghese, aged 54 years, Head Nurse, ESI Hospital, Udyogmandal, residing at Gopurathingal House, Chully PO, Manjapra.
30. Mathew Sebastain, S/o. Late Sebastain, aged 58 years, Operation Theatre Attender, ESI Hospital, Udyogamandal, residing at Vadakkumcheri House, Chully PO, Manjapra, Ernakulam 683 581.
31. Ramla K.I., W/o. Moideen, aged 44 years, Nursing Assistant, ESI Hospital, Udyogamandal, residing at Attayam House, Eramalloor PO, Ernakulam.
32. Uthaman K.K., S/o. P.C. Kunjan, aged 50 years, Nursing Assistant, ESI Hospital, Udyogamandal, residing at Kanichirayil House, Kurikkadu PO, Chottanikkara, Ernakulam.
33. Beeyamma Beevi, S/o. Late V.P. Majeed, aged 59 years, Hospital Attender, ESI Hospital, Udyogamandal, residing at Vechurath House, Marampally PO, North Vazhakulam, Ernakulam.
34. P.G. Saraswathy, W/o. Late Viswanathan, aged 55 years, Hospital Attender Grade II, ESI Hospital, Udyogamandal, residing at Puthethu House, Karimugal, Puthencruz PO, Ernakulam.
35. Suma K.K., W/o. P.J. Murali, aged 50 years, Hospital Attender Grade II, ESI Hospital, Udyogamandal, residing at Poothuverthi House, Perumbavoor PO, Ernakulam.
36. Leela K.K., D/o. Kumaran, aged 58 years, Hospital Attender Grade II, ESI Hospital, Udyogamandal, residing at Kozhikal House, Karimugal, Onathakadu, Perumbavoor, Ernakulam.
37. Mary P.P., W/o. Baby, aged 51 years, Dhobi, ESI Hospital, Udyogamandal, residing at Penthalayil House, Puthencruz PO, Vettoorkkara, Ernakulam.
38. Jalaja T.V., W/o. Aji, aged 59 years, Nursing Assistant, ESI Hospital, Udyogamandal, residing at Thoppil House, Perumanoor PO, Thevara 682 015.

39. Saju M.G., S/o. Gangadharan, aged 56 years, X-Ray Attender, ESI Hospital, Udyogmandal, residing at Mechery House, Manjummel PO, Ernakulam – 683 501.
40. V.A. Jasmine, W/o. Ibrahimkutty, aged 46 years, Attender Grade II, ESI Hospital, Udyogamandal, residing at Quarters No. 29, ESI Hospital, Udyogamandal, Ernakulam.
41. K.P. Salomy, W/o. Baby, aged 46 years, Nursing Assistant, ESI Hospital, Udyogamandal, residing at Nellattukudy House, Airapuram PO, Ernakulam – 683 541.
42. A.X. Mariamma, W/o. E.J. Francis, aged 55 years, Cook Grade II, ESI Hospital, Udyogamandal, residing at Eerathara House, Panampilly Nagar PO, Ernakulam – 36.
43. Sherly Chacko, W/o. Rev.Dr. John Joseph, aged 55 years, Radiographer Grade II, ESI Hospital, Udyogamandal, residing at Salem Marthoma Church, Convent Road, Ernakulam 682 035.
44. Jiji K.A., W/o. Thampi, aged 50 years, Pharmacist Hr. Gr., ESI Hospital, Udyogamandal, residing at Chandanathu House, PPRA 48, Pallathakattukavu Road, North Kalamassery PO, Ernakulam.
45. Anitha N., W/o. Reghukumar, aged 38 years, Dental Hygienist, ESI Hospital, Udyogamandal, residing at Souparnika, Chennakkala Bylilne, HMT Colony PO, Kalamassery, Ernakulam.
46. Anjana Issac, W/o. Gregorious K.G., aged 37 years, Lab Technician Grade II, ESI Hospital, Udyogamandal, residing at Keezhethumattathil House, Vadavucode PO, Ernakulam 682 310.
47. Sheela C.N., W/o. Raju, aged 50 years, Nursing Assistant, ESI Hospital, Udyogamandal, residing at Chemmattukunnel House, Mamala PO, Ernakulam.
48. M.K. Subhash, S/o. Kumaran, aged 55 years, Attender Grade II, ESI Hospital, Udyogamandal, residing at Koodamkulam House, Kizhakkepuram, North Paravoor, 683 513, Ernakulam.
49. M.C. Santhosh, S/o. Chandrabose, aged 51 years, Attender Grade II, ESI Hospital, Udyogamandal, residing at Meenammuthathu House, Edavanakad PO, Ernakulam.
50. Thressia K.J., W/o. A.J. Johny, aged 53 years, Cook Grade II, ESI Hospital, Udyogamandal, residing at Anamthuruthi House, Vennala PO, Chalikkavattom, Ernakulam.

51. Rahim P.K., S/o. Kochu Bava, aged 57 years, Hospital Attender, ESI Hospital, Udyogamandal, residing at Parayamuri House, Ezhikkara PO, North Paravoor, Ernakulam.
52. P.K. Venu, S/o. Krishnankutty, aged 51 years, Plumber, ESI Hospital, Udyogamandal, residing at Poothappilly House, Eloor North, Udyogamandal PO, Ernakulam.
53. Sumadevi S.T., W/o. Ramesh P.K., aged 54 years, Hospital Attender Grade II, ESI Hospital, Udyogamandal, residing at Parrokaran House, Chengal Kalady PO, Ernakulam.
54. A.P. Beena, W/o. Rajan, aged 46 years, Hospital Attender Grade II, ESI Hospital, Udyogamandal, residing at Thevarmadom House, Sreemoolanagaram PO, Aluva, Ernakulam.
55. A.G. Neelambaran, S/o. A.K. Gopalan, aged 55 years, Hospital Attender Grade I, ESI Hospital, Udyogamandal, residing at Ambalakottu House, Rayamangalam, Kuruppampady PO, Ernakulam.
56. K.C. Devadas, S/o. Chandran, aged 54 years, Hospital Attender Grade-I, ESI Hospital, Udyogamandal, residing at Kattiparambil House, Maliyankara PO, Moothakunnam, Ernakulam.
57. M. Kuttappan, S/o. Makkatha, aged 55 years, Hospital Attender Grade I, ESI Hospital, Udyogamandal, residing at Koonippava House, North Mazhuvannoor PO, Ernakulam. ... **Applicants**

(By Advocate - Shri Thampan Thomas)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Labour and Employment, Shram Shakthi Bhavan, New Delhi – 110 002.
1. Employees State Insurance Corporation, Panchadweep Bhavan, New Delhi – 110 002, represented by its Director General.
2. The Medical Superintendent, ESIC Model and Super Speciality Hospital, Asramam, Kollam District, Pin 691 502.
4. The Deputy Director (Admin), ESIC Model and Super Specialty Hospital, Asramam, Kollam District 691 502.
5. The Medical Superintendent, ESIC Hospital, Ezhukone, Kollam District, Pin 691 505.

6. The Regional Director, Employees State Insurance, Regional Office, Corporation, Panchadeep Bhavan, N.S. Round, Thrissur – 688020.
7. State of Kerala, rep. by the Secretary to Government, Labour and Rehabilitation Department, Government Secretariat, Thiruvananthapuram – 695 023.
8. The Director of Insurance Medical Services, Thycad, Thiruvananthapuram – 695 001. ... **Respondents**

**{By Advocates - Ms. A.K. Preetha (R1-5),
Mr. M. Rajeev (GP) [R6&7]}**

These applications having been heard on 15.11.2019, the Tribunal on 28.11.2019 delivered the following:

ORDER

Per Hon'ble Mr. Ashish Kalia, Judicial Member –

OAs Nos. 180-627-2015, 180-673-2016, 180-124, 168, 176 and 282-2017, 180-273, 276, 364, 369 and 769-2018 have common points of fact and law involved and hence are being disposed of through this common order. The pleadings, documents and records in OA No. 180/627/2015 are referred to in this common order for the sake of convenience.

2. Similar relief are claimed by the applicants in all the OAs. For the sake of convenience the relief claimed by the applicants in OA No. 180-627-2015 are quoted hereunder:

“i) to call for the records relating to the case and quash Annexures A13, A14 and A15 orders and all further proceedings thereon including any procedure adopted by the respondents affecting the promotion and seniority of the applicants;

ii) to declare that applicants are entitled for promotion and institutional seniority from 2.11.2009, the date of takeover of ESI Hospital, Udyogamandal from the State Government and that they are entitled for all service benefits including arrears of pay, arrears of leave, bonus, advances, compensation allowances and retirement benefits and for all other benefits given to the similarly situated ESI Corporation employees;

iii) to direct the respondents 2, 3 and 4 to protect the applicants institutional seniority and to give them due promotion and monetary benefits in the absorbed service of the ESI Corporation according to designation and seniority in State service; and

iv) to award costs and such other reliefs which may be granted as ancillary and incidental to the main reliefs.”

3. The brief facts of the case in OA No. 18-627-2015 are that the applicants are Head Nurses and Staff Nurses in the ESIC Hospital, Udyogamandal, Parippally and Ezhukone. They were originally the employees of the 7th and 8th respondents. The 2nd respondent decided to take over some of the major hospitals in the State including the ESI Hospital, Udyogamandal and develop the same as model hospitals. In the 142nd meeting held on 22.2.2008 steps were initiated for taking over the Udyogamandal Hospital and absorption of the staff. The first hospital to take over in Kerala by the ESI Corporation was the ESI Hospital, Asramam. The other hospitals were identified to be taken over are the ESI Hospitals at Udyogamandal, Ezhukone and Parippally. These hospitals were also directed to be taken over on the basis of the terms and conditions on which the Asramam hospital was taken over. The final order of handing over of the hospital was issued by the 7th and 8th respondents as per order dated 15.10.2009. The handing over of the ESI Hospital, Udyogamandal along with the staff working therein was accepted by order dated 30.10.2009 of the ESI Corporation. The 2nd respondent informed that the pay and allowances of the staff will be equal to the pay and allowances of ESIC hospitals. The 3rd respondent approved the absorption of the staff of ESI

Hospital, Udyogamandal w.e.f. 2.11.2009. The 7th respondent by order dated 25.2.2011 accorded sanction to the 8th respondent to relieve the employees including the applicants from the State government hospitals to the ESI Corporation. On the basis of the Government direction and request of the ESI Corporation, the 8th respondent accepted the technical resignation of the applicants and similarly situated employees and they were relieved from their duties of Insurance Medical Services Department with effect from 2.11.2009. The 3rd respondent absorbed all the employees including the applicants in the ESI Corporation service w.e.f. 2.11.2009. However, the 2nd respondent withdraws the order of absorption of the employees in the ESI Corporation by order dated 26.9.2011 and later issued order dated 25.10.2011 confirming absorption from 4.3.2011. Aggrieved the applicants have filed Writ Petitions before the Hon'ble High Court of Kerala. The Hon'ble Single Judge allowed the Writ Petitions. However, the said judgment was challenged by the respondents in Writ Appeals. The Division Bench of the Hon'ble High Court in Writ Appeal held that the matter is to be heard by this Tribunal. Accordingly, the applicants have filed OA No. 1175 of 2013. This Tribunal after hearing the parties set aside the impugned orders and held that the applicants will stand absorbed to the ESIC w.e.f. 2.11.2009 and they shall enjoy all consequential benefits including promotions and other service benefits. However, the 3rd respondent issued an order dated 19.6.2015 without any authority and fixed the seniority list without considering the long service in the establishment. It was also directed that provisional draft seniority list may be drawn up w.e.f. 4.3.2011 including ESIC Hospital in Udyogamandal, Parippally and Ezhukone. This

shows that the 3rd respondent is intentionally trying to bypass the order passed by this Tribunal in OA No. 1175 of 2013 where one of the prayer was to give institutional seniority. According to the Fundamental Rules and Annexure A12 order passed by the Tribunal in OA No. 1175 of 2013 the applicants are eligible for promotion considering the date of absorption as 2.11.2009 and not from any other date. The applicants have given option for permanent absorption w.e.f. 2.11.2009 and accepting that absorption letter a list of persons was prepared. Once an option is exercised that will be final under the Rules. The State Government also decided that they have relieved the applicants w.e.f. 2.11.2009 and that they have no lien in the State service. While passing the impugned orders the respondents have denied the principles of natural justice to the applicants and it also infringe the fundamental rights guaranteed under Articles, 14, 16 and 21 of the Constitution of India. Aggrieved the applicants have filed the present OAs with the reliefs as above.

4. Notices were issued to the respondents. They entered appearance through Shri K.S. Dilip, ACGSC appearing for respondent No. 1, Mr. T.V. Ajayakumar, Standing Counsel for respondents Nos. 2-6, Mr. M. Rajeev, GP and Ms. Rekha Vasudevan, GP for respondents Nos. 7 & 8, Mr. P.V. Mohanan, appearing for respondents Nos. 9-25 and Mr. K.P. Harish, appearing for respondents Nos. 26-58.

5. Respondents Nos. 2-6 filed a detailed reply statement contending that the Medical Superintendent, ESIC Model Hospital, the 4th respondent is the

appointing authority of the applicants. By letter dated 8.12.2010 issued by the Joint Director (MA), ESIC Headquarters it was informed to all the Medical Superintendents that Medical Superintendent of ESIC Model Hospital of a particular state will be incharge for recruitment, transfer/posting and promotion of staff for all the hospitals in the State. Therefore, the Medical Superintendent, ESIC Model Hospital, Kollam is incharge of Kerala. The ESI Hospitals situated at Udyogamandal, Parippally and Ezhukone in the State of Kerala were taken over by the ESI Corporation w.e.f. 2.11.2009, 16.4.2010 and 20.4.2010 respectively. The reason for withdrawing Annexure A8 order is that the Corporation has decided to absorb the State Government employees working in the ESIC hospital, Udyogamandal w.e.f. 4.3.2011 on which date the condition of two years service required on the date of absorption in the lending department was deleted. The Joint Director (Integration Cell) of ESIC Headquarters has clearly stated that the resignation submitted by the staff on deputation was technical in nature and the acceptance was based on erroneous absorption order issued by the Medical Superintendent who was not competent to do so.

6. The absorption order dated 24.5.2011 issued by the Medical Superintendent keeping 2.11.2009 as the date of absorption cannot be approved because on that date the condition that staff on deputation should have two years service left in the lending department was operative and 12 officials out of 96 in respect of whom the absorption orders have been issued by the Medical Superintendent, were not eligible for absorption. The

respondents have admitted the fact that OA No. 1175 of 2013 was disposed of holding that applicants will stand absorbed to the ESIC w.e.f. 2.11.2009 and enjoy all consequential benefits.

7. The said order was challenged before the Hon'ble High Court which was dismissed vide a common judgment dated 4.1.2016. Aggrieved the respondents filed SLP before the Hon'ble Supreme Court. The Hon'ble Supreme court admitted the matter and issued an order directing that there shall be stay of the operation of the impugned judgment by the High Court on 4.7.2016. Thus, the respondents withdrawn Annexure A8 order issued by the 4th respondent. The absorption of the applicants has been approved with effect from 4.3.2011 instead of 2.11.2009 as sought for by the applicants. Respondents 2-6 pray for dismissing the OA.

8. Respondents Nos. 7 & 8 also filed a reply statement contending that the employees who opted for ESI Corporation Service has tendered technical resignation with effect from 2.11.2009. They were absorbed in ESI Corporation Service based on the terms of absorption put forth by the ESI Corporation in concurrence with the State Government. The hospital was taken over by the ESIC w.e.f. 2.11.2009. Therefore, the employees who opted ESIC service are the employees of ESIC since 2.11.2009. The Insurance Medical Service Department had relieved the employees of Udyogamandal w.e.f. 2.11.2009. As per the terms of absorption, ESI Corporation is bound to abide by the terms and conditions stated in it.

9. A reply statement was also filed by respondents 9-17 and 19-25 wherein it is contended that the applicants who are born in the cadre of Staff Nurse in ESI Hospital, Udyogamandal have no locus standi in challenging the promotion of respondents Nos. 9-17 and 19-25 to the post of Nursing Sisters in ESIC, MH, Asramam. The applicants were not permanently absorbed on public interest. No illegality or wrong was committed by the official respondents for taking steps to draw seniority list of nursing personnel as directed by the Tribunal in OA No. 157 of 2013. Since the aforesaid four hospitals were taken over by the ESI Corporation from the State Government, state-wise seniority list is to be prepared in the exigencies of service and public interest. Respondents 9-17 and 19-25 pray for dismissing the OA.

10. A detailed reply statement was filed by the respondents Nos. 26-58 contending that these respondents are presently working as Staff Nurses under the ESI Corporation having been selected and appointed by direct recruitment and is working at ESI Model & Super Specialty Hospital, Ashramam, Kollam, ESI Hospital, Paripally, Kollam, ESIC Hospital, Udhyogamadal, Ernakulam and ESIC Hospital, Ezhukone, Kollam. Respondents Nos. 50, 53 and 57 were promoted as Nursing Sisters as per Annexure A27 order dated 22.11.2016. The OA is liable to be dismissed on the ground of non-impleading of all the affected and necessary parties. The terms and conditions of permanent absorption of the applicants clearly stated that the C and D employees cadre will be state cadre and seniority will be based as per rules. Respondents Nos. 26-58 pray for dismissing the

OA.

11. Heard Shri Thampan Thomas, learned counsel for the applicants in OA No. 180-627-2015, 180-124, 168, 176-2017, 180-273, 276, 364, 369 and 769-2018, Mr. K.P. Harish, learned counsel for the applicants in OA No. 180-673-2016, Mr. V. Sajith Kumar, learned counsel for the applicants in OA No. 180-282-2017, Mr. T.V. Ajayakumar, learned counsel for respondents Nos. 2-4 in OAs Nos. 180-627-2015, 180-282-2017, respondents Nos. 1-7 in OA No. 180-673-2016, Ms. A.K. Preetha, learned counsel for respondents Nos. 2-6 in OAs Nos. 180-124-2017, 180-168-2017, respondents Nos. 2-7 in OAs Nos. 180-273, 276 & 364-2018, Mr. Adarsh Kumar, learned counsel for respondents Nos. 2-6 in OA No. 180-176-2017 and respondents Nos. 1-5 in OA No. 180-769-2018, Mr. Sandesh Raja, learned counsel for the respondents Nos. 2-6 in OA No. 180-369-2018, Mr. K.S. Dilip, ACGSC, learned counsel for the respondent No. 1 in OA No. 180-627-2015, Ms. Mini R. Menon, ACGSC, learned counsel for respondent No. 1 in OA No. 180-124-2017, Mr. V.A. Shaji, ACGSC, learned counsel for respondent No. 1 in OAs Nos. 180-168-2017, 180-273 and 276-2018, Mr. Thomas Mathew Nellimoottil, Sr. PCGC, learned counsel for respondent No. 1 in OA No. 180-176-2017, Mr. Brijesh A.S., ACGSC learned counsel for respondent No. 1 in OA No. 180-282-2017, Mr. Anil Ravi, ACGSC, learned counsel for respondent No. 1 in OA No. 180-369-2018, Mr. M. Rajeev, GP learned counsel for respondents Nos. 7 and 8 in OAs Nos. 180-627-2015, 180-124, 168 and 176-2017 and 180-369-2018, respondents Nos. 5 & 6 in OA No. 180-282-2017, respondents Nos. 8

and 9 in OAs Nos. 180-273, 276 and 364-2018 and respondents Nos. 6 & 7 in OA No. 180-769-2018, Mr. P.V. Mohanan, learned counsel for the respondents Nos. 9-25 in OA No. 180-627-2015 and Mr. K.P. Harish, learned counsel for respondents Nos. 26-58 in OA No. 180-627-2015, respondents Nos. 9-39 in OAs Nos. 180-124, 168 and 176-2017, Mr. Jackson John, learned counsel for respondents Nos. 10-40 in OAs Nos. 180-273 and 276-2018. Perused the records and the argument notes submitted by the parties.

12. Applicants are Nurses in Employees State Insurance Corporation (ESIC) Hospitals. They were appointed/absorbed from State of Kerala service hospitals at Udyogmandal, Parripally, Ezhumkone w.e.f. 2009 onwards and later absorbed in ESIC w.e.f. 4.3.2011 but on the basis of the order passed by this Tribunal their date of absorption was declared as 2.11.2009. The Hon'ble High Court of Kerala affirmed the order passed by this Tribunal. However, the matter is now pending consideration before the Hon'ble Supreme Court in SLP. The challenge was with regard to the date of absorption in ESIC as to whether it should be 2009 i.e. the date of deputation or 2011 which is approved by the competent authority of ESIC for absorption.

13. In the year 2000 the Central Government took a decision to take over the above State of Kerala hospitals. The principles adopted for absorption in Ashramam was accepted to be the common principles, the date of take over of the hospital were agreed to be the date of absorption i.e. 2.11.2009 which

was the date of take over of the ESIC hospital, Udyogmandal. But the headquarters of ESIC had prescribed a common date of absorption as 4.3.2011 for subsequently taken over hospital which was not acceptable to the applicants as well as to the State Government. The State of Kerala had never agreed to such a date and the staff was relieved w.e.f. 2.11.2009. The respondents asked for option of the staff of the hospital and those who wanted repatriation may join back the parent department of the State Government service.

14. The applicants initially approached the Hon'ble High Court of Kerala and their petitions were allowed by Single Judge Bench declaring that applicants are entitled for absorption w.e.f. 2.11.2009 with all consequential benefits. However, the said judgment was set aside by the Division Bench in WA No. 433 of 2013 on 2.9.2013 on the question of jurisdiction and the applicants were advised to approach this Tribunal. Thereafter, this Tribunal in OA No. 1175 of 2013 having jurisdiction allowed the OA and held that the date of absorption would be 2.11.2009 which was again affirmed by the Hon'ble High Court of Kerala and the same was challenged by the ESIC before the Hon'ble apex court which is pending adjudication.

15. The further argument put strenuously by the learned counsel for the ESIC is that there is no provision in the Recruitment Rule for absorption as decided in the case of *S.I. Rooplal & Ors. v. Lt. Governor, through Chief Secretary, Delhi & Ors.* - AIR 2000 SC 594, a landmark judgment where there was a provision in the Recruitment Rules therein in Rule 5(h) of Delhi

Police (Appointment & Recruitment) Rules. The said decision can be made applicable in the present case as when the Government took a decision to take over these state run hospitals, the Government was well aware that employees seniority will now have to be governed by Central Government rules which permits counting of benefit of past service in the same grade in the previous Department substantively. In support of this ***K. Madhavan & Ors. v. Dwarka Nath & Ors.*** - AIR 1987 SC 2291 and ***Union of India & Ors. v. Deo Narain & Ors.*** - (2008) 10 SCC 84 were also relied on. The case cited by the respondents in ***Mrigank Johri & Ors. v. Union of India & Ors.*** - (2017) 8 SCC 256 considers the judgment of the apex court in ***Indu Shekhar Singh & Ors. v. State of U.P. & Ors.*** - (2006) 8 SCC 129.

16. The next objection raised by the ESIC was that they have informed each and every individual employee that they would not claim seniority and the absorbee has given written consent in this regard. It is not understood what was the need for that when paragraph 3.4.1 of OM dated 3rd July, 1986 of DoP&T made it clear that they will get past service benefit including seniority. It is a ploy made by the ESIC to protect the interests of the direct recruitee who were appointed in the state in March, 2009. The Hon'ble apex court was very critical in ***S.I. Rooplal's*** case (supra) held as under:

“24. It is clear from the ratio laid down in the above case that any Rule, Regulation or Executive Instruction which has the effect of taking away the service rendered by a deputationist in an equivalent cadre in the parent department while counting his seniority in the deputed post would be violative of Articles 14 and 16 of the Constitution. Hence, liable to be struck down. Since the impugned Memorandum in its entirety does not take away the above right of the deputationists and by striking down the offending part of the Memorandum, as has been prayed in the writ petition, the rights of the appellants could be preserved, we agree with the prayer of the petitioners/ appellants and the offending words in the Memorandum

"whichever is later" are held to be violative of Articles 14 and 16 of the Constitution, hence, those words are quashed from the text of the impugned Memorandum. Consequently, the right of the petitioners/appellants to count their service from the date of their regular appointment in the post of Sub-Inspector in BSF, while computing their seniority in the cadre of Sub-Inspector (Executive) in the Delhi Police, is restored.

25. Before concluding, we are constrained to observe that the role played by the respondents in this litigation is far from satisfactory. In our opinion, after laying down appropriate rules governing the service conditions of its employees, a State should only play the role of an impartial employer in the inter-se dispute between its employees. If any such dispute arises, the State should apply the rules laid down by it fairly. Still if the matter is dragged to a judicial forum, the State should confine its role to that of an *amicus curiae* by assisting the judicial forum to a correct decision. Once a decision is rendered by a judicial forum, thereafter the State should not further involve itself in litigation. The matter thereafter should be left to the parties concerned to agitate further, if they so desire. When a State, after the judicial forum delivers a judgment, files review petition, appeal etc. it gives an impression that it is espousing the cause of a particular group of employees against another group of its own employees, unless of course there are compelling reasons to resort to such further proceedings. In the instant case, we feel the respondent has taken more than necessary interest which is uncalled for. This act of the State has only resulted in waste of time and money of all concerned."

Thus it is clear from ***S.I. Rooplal***'s case (supra) that Rule 5h of Delhi Police (Appointment & Recruitment) Rules, 1980 provides to make appointment on deputation basis. Any Rule, Regulation or executive instructions which has the effect of taking away the service rendered by the deputationist, in equal cadre in the parent department while counting his seniority in the deputed post would be violative of Articles 14 and 16 of the Constitution of India. Hence, liable to be struck down.

17. In ***K. Madhavan***'s case (supra) the apex court held as under:

"21. We may examine the question from a different point of view. There is not much difference between deputation and transfer. Indeed, when a deputationist is permanently absorbed in the CBI, he is under the rules appointed on transfer. In other words, deputation may be regarded as a transfer from one government department to another. It will be against all rules of service jurisprudence, if a government servant holding a particular post is transferred to the same or an equivalent post in another government department, the period of his service in the post before his transfer is not taken into consideration in computing his seniority in the transferred post. The transfer cannot wipe out his length of service in the post from which he

has been transferred. It has been observed by this Court that it is a just and wholesome principle commonly applied where persons from different sources are drafted to serve in a new service that their pre-existing total length of service in the parent department should be respected and presented by taking the same into account in determining their ranking in the new service cadre. See [R.S. Mokashi & Ors. v. I.M. Menon & Ors.](#) [1982] 1 SCC 379; [Wing Commander J. Kumar v. Union of India & Ors.](#) [1982] 3 SCR 453 : (AIR 1982 SC 1064).”

Paragraph 21 of the *K. Madhavan's* case (supra) makes it clear that full credit must be given to the petitioner for service rendered by him on substantive basis in the BSF w.e.f. 1.10.1984 when he was appointed on substantive basis.

18. The common questions raised in the present case are as under:

- a) What should be the date of absorption in these cases ?
- b) Whether the date of absorption should be the date of takeover of ESIC Hospitals at Udyogamandal, Parippally and Ezhukone or a common date i.e. 4.3.2011 for all these hospital ? and
- c) Whether applicants are entitled for promotion and institutional seniority or not ?

19. This Tribunal had already decided this issue earlier in the matter of Udyogamandal Hospital that the date of take over by the ESIC should be date of absorption for the employees. This issue has been ruled in favour of the applicants and needs not be adjudication again.

20. The respondent objected to maintainability for non-joinder of necessary parties which would prejudicially affect the rights of the employees who are already appointed prior to the date of absorption of the

applicants. It is further submitted that the applicants were initially employed by the Director of Insurance Medical Service under the Government of Kerala prior to their date of absorption in the ESIC and the appointing authority of the applicants was the Medical Superintendent, Kollam who was the incharge of the entire Kerala and that respondents Nos. 7 & 8 were only the controller. So any decision taken except by the Medical Superintendent, Kollam is not valid.

21. Now let us examine the issue involved in the present OAs. The applicants were taken on deputation and they have been given option whether they want to be part of ESIC by absorption as per terms and conditions of ESIC or they want to go back to their parent organization. A written consent was sought from each individual employee. The relevant part of the terms of absorption are as under:

“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 1.1.2003.

2.

3. An employee for absorption has to resign from State Govt. service and his absorption in corporation service will take effect from the date of deputation in ESI Corporation or from the date he joins the duty in the ESI Corporation whichever is earlier.

4) Seniority of an employee absorbed in the Corporation will be determined either from the date from which one holds the post on deputation or from the date one holds the post in equivalent grade on regular basis in the State Govt. service, whichever is earlier. Seniority of two or more State Govt. employees absorbed in the Corporation service would however, be fixed as per the seniority existing in the State Govt. prior to their absorption. Before absorption an employee will be free to opt for separate institutional seniority i.e. seniority only for the particular hospital. In this case they will not be transferred outside the hospital even after absorption and the promotions will be based on the institutional seniority only subject to the vacancy in the hospital OR the individuals can also 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. 14300-18300 (current NFSG scale).

5)”

This was further modified in terms of the 142nd meeting held. The relevant portion of the draft terms of absorption reads thus:

“1. Option may be exercised by each employee for absorption in Corporation service or or 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 the date of absorption.

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. His absorption in Corporation service will take effect from the date decided between ESI Corporation and the State Govt.

4. Seniority of an employee absorbed in Corporation will be determined as per rules and instructions on the subject. Before absorption, the option shall be available to different categories of employees as under:-

(a) For Group 'C' & 'D' employees, their cadre will be State cadre and their seniority will be fixed as per rules. However, promotion from a Group 'C' to a Group 'B' post in ESI Corporation will carry All India transfer liability.

(b) Group 'A' & 'B' employees will be free to opt for either the State level seniority or All India seniority. Doctors and Specialists opting for State level seniority will not be eligible for promotion beyond CMO level posts carrying pay scales of Rs. 12,000-16,500/-.

(c) Office Superintendent or other such employees who are holding posts equivalent to Insurance Inspectors in ESI Corporation opting for State level seniority will not be eligible for further promotion.

(d) Similarly, holders of such Group C categories which have All India Transfer liability in ESIC, opting for State level seniority will not be eligible for any further promotion.

(e) In the case of employees opting for State level seniority, they will not be transferred out side the State and their promotion will be based on the State level seniority only subject to vacancies in the State and further subject to conditions mentioned at (a) to (d) above.

5.”

22. The clause (4) clearly stipulates that seniority will be as per rule governing seniority of the Central Government employees. Paragraph 3 of OM dated 3rd July, 1986 of DoP&T deals with seniority of absorbees. It reads thus:

“3. SENIORITY OF ABSORBEES -

NOTE: The method of recruitment ‘Transfer’ has been re-named as ‘Absorption’ and Transfer on Deputation’ as ‘Deputation’ vide DOP&T’s O.M.No.AB.14017/2/97-Estt. (RR) Dated 25.5.1998.

3.1. The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

3.2. Where such absorptions are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such absorbees vis-à-vis direct recruits or promotees, subject of the provision of para 3.4 below, shall be determined by rotation of vacancies amongst the available direct recruits, promotees and absorbees which shall be based on the quotas reserved for direct recruitment, promotion and absorption respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in Para 2.4.1 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

3.3 The principle laid down in para 3.1 above will not present any difficulty where recruitment by absorption is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by absorption to indicate the interse order of merit of the selected persons in such cases.

3.4 Seniority of persons absorbed after being on deputation -

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “Deputation/Absorption), his seniority in the grade in which he/she is absorbed will normally be counted from the date of absorption. If he/she has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he/she will be given seniority from –

- the date he/she has been holding the post on deputation,
(or)

- the date from which he/she has been appointed on a regular basis to the same or equivalent grade in his parent department.,

Whichever is earlier. ”

23. Therefore it is clear that seniority of the employees on deputation will be from the date of absorption and if it is against a specific quota under the Recruitment Rules then for relative seniority past service could be counted vis-a-vis direct recruitee and promotee, otherwise not. However, if he/she has, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority subject to certain conditions.

24. The terms and conditions for absorption in ESIC clearly stipulates that if the rules of the absorption are accepted by the applicants then they should give in writing to the ESIC that they are willing to be absorbed in the ESIC. The ESIC in consultation with State Government taken over the following hospitals:

- (i) Udhogamandal on 2.11.2009
- (ii) Parippally on 16.4.2010
- (iii) Ezhukone on 20.4.2010.

The applicants once accepted the terms and conditions for absorption in the ESIC of their own then they are bound by it and now they cannot be allowed to claim their past seniority and this Tribunal has already decided this issue that the date of takeover of the particular hospital will govern the field. The

two hospitals subsequently taken over by the ESIC on 16.4.2010 and 20.10.2010 the date of absorption will be on the same principles i.e. the date on which they took over will be the date of absorption. There cannot be unilateral date for all these hospital for absorption as per the principle decided by this Tribunal and upheld by the Hon'ble High Court.

25. The contention raised by the ESIC that the technical resignation of employees was on 3.3.2011 and they cannot be absorbed prior to this date also not hold much water now as this Tribunal had already considered this plea and decided and affirmed by the Hon'ble High Court. This Tribunal already held that the date of takeover would be the date of absorption and held in case of Udyogamandal Hospital as 2.11.2009. Similarly since the other two hospitals were taken over on 16.4.2010 and 20.10.2010, i.e. Parippally and Ezhukone respectively the same would be the date of absorption of the other two hospitals. There is no provision contrary to the same in the Recruitment Rules to this effect.

26. The recent judgment of the apex court in *Mrigank Johri & Ors. v. Union of India & Ors.* - (2017) 8 SCC 256 cited by counsel for respondent ESIC touched the issue raised in the instant case and it dealt with as under:

“21. Learned counsel contended that the aforesaid issue was no longer res integra in view of the subsequent judgment of this Court in [Indu Shekhar Singh & Ors. vs. State of U.P. & Ors.](#) The question examined was whether the terms and conditions imposed by the State in the matter of absorption could be said to be ultra vires [Article 14](#) of the Constitution of India. The offer had been made by the State not in terms of any specific powers under the Rules, but in exercise of its residuary power and thus the State was right to impose conditions, as the absorbees had exercised their right of election. We may usefully (2006) 8 SCC 129 referred to Paras 25, 26, 31, 47, 48 and 55 which are as under :

“25. The State was making an offer to the respondents not in terms of any specific power under the Rules, but in exercise of its residuary power (assuming that the same was available). The State, therefore, was within its right to impose conditions. The respondents exercised their right of election. They could have accepted the said offer or rejected the same. While making the said offer, the State categorically stated that for the purpose of fixation of seniority, they would not be obtaining the benefits of services rendered in the U.P. Jal Nigam and would be placed below in the cadre till the date of absorption. The submission of Mr Verma that the period for which they were with the Authority by way of deputation, should have been considered towards seniority cannot be accepted simply for the reason that till they were absorbed, they continued to be in the employment of the Jal Nigam. Furthermore, the said condition imposed is backed by another condition that the deputed employee who is seeking for absorption shall be placed below the officers appointed in the cadre till the date of absorption. Respondents 2 to 4 accepted the said offer without any demur on 3-9-1987, 28-11-1991 and 6-4-1987 respectively.

26. They, therefore, exercised their right of option. Once they obtained entry on the basis of election, they cannot be allowed to turn round and contend that the conditions are illegal. (See *R.N. Gosain v. Yashpal Dhir* [(1992) 4 SCC 683], *Ramankutty Guptan v. Avara* [(1994) 2 SCC 642] and *Bank of India v. O.P. Swarnakar* [(2003) 2 SCC 721 : 2003 SCC (L&S) 200]. Furthermore, there is no fundamental right in regard to the counting of the services rendered in an autonomous body. The past services can be taken into consideration only when the Rules permit the same or where a special situation exists, which would entitle the employee to obtain such benefit of past service.

31. Absorption of the deputationists, on the other hand, would depend upon an arrangement, which may be made by the State being not a part of the statutory rule. They would, thus, be borne in the cadre in terms of the directions of the State in exercise of its residuary power.

47. The decisions referred to hereinbefore, therefore, lay down a law that past services would only be directed to be counted towards seniority in two situations: (1) when there exists a rule directing consideration of seniority; and (2) where recruitments are made from various sources, it would be reasonable to frame a rule considering the past services of the employees concerned.

48. The said decisions, in our considered view, have no application in this case, having regard to the provisions of [Section 5-A](#) of the Act, in terms whereof no provision exists for recruitment of deputationists. Recruitment of deputationists, in fact, is excluded therefrom.

55. It was thus, open to the respondents herein not to agree to in spite of the said conditions as they had already been working with a statutory authority; they, however, expressly consented to do so. They must have exercised their option, having regard to benefits to which they were entitled to in the new post. Once such option is exercised, the consequences attached thereto would ensue. (See *HEC Voluntary Retd. Employees Welfare Society v. Heavy Engg. Corpn.*

[Ltd. \[\(2006\) 3 SCC 708 : 2006 SCC \(L&S\) 602 : JT \(2006\) 3 SC 102\] \)”](#)

31. It is no doubt true that the OM dated 29.5.1986 as modified by OM dated 27.3.2001 did provide for the benefit of the previous service rendered in the cadre. This is in effect also the ratio of the judgment in *SI Rooplal* case (*supra*). This would also be in conformity with the normal service jurisprudential view. However, it would be a different position if the absorbing department clearly stipulates a condition of giving willingness to sacrifice the seniority while preserving all other benefits for the absorbee (which are accepted) failing which the option was available to the absorbee to get himself repatriated to the parent department. The terms and conditions are categorical in their wording that the absorbees would be “deemed to be new recruits” and the previous service would be counted for all purposes “except his/her seniority in the cadre”. The appellant accepted this with open eyes and never even challenged the same. Their representations to give them the benefit of their past seniority was also turned down and thereafter also they did not agitate the matter in any judicial forum. The controversy was thus not alive and it was not open for them to challenge the same after a long lapse of period of time. In fact on the day of filing of the OM, any prayer to set aside the terms and conditions of absorption would have been clearly barred by time under [Section 21](#) of the Administrative Tribunals Act, 1985.

32. The appellants sought to rake up the issue only when the seniority list was finalized. This was preceded by the draft seniority list. Whatever may be the dispute of seniority qua other persons, insofar as the appellants were concerned, their seniority was based on the terms and conditions of their absorption. The position of the appellants in the seniority list was thus a sequitur to the terms and conditions of their absorption. We are of the view that it is precisely for this reason, anticipating that their claim would be time barred, that a challenge was laid only to the seniority list without challenging the terms and conditions of absorption though in the grounds, a plea was raised against the terms and conditions of absorption. Unless the terms and conditions of absorption were to be set aside, the seniority list prepared was in conformity with the same.

34. We are in agreement with the submission of the respondents that this issue has been squarely dealt with in *Indu Shekhar Singh’s* case (*supra*) where almost identical issues have been dealt with by holding that the State was within its right to impose conditions where the employees had the option to exercise their right of election. The entitlement was not under any rules but under what was called the residuary power.”

27. The apex court clearly laid down the ratio that State is empowered to make the conditions of absorption and deputationist has no right to claim absorption. It is on the Department to ask to forgo their seniority while joining absorbee Department and if employee expressly consented for the absorption in terms of conditions of the absorption then employee is bound by it and can never challenge the terms of absorption once accepted and any

claim would be time barred on challenge seniority list without challenging the terms and conditions of absorption. Unless the terms of absorption is set aside the seniority list prepared would be always in conformity of the same.

The case of *Mrigank Johri's* case (supra) applies to the present case.

28. Resultantly we hereby hold and dispose of all the OAs as under:

i) The impugned orders at Annexures A13, A14 and A15 in OA No. 180/627/2015, Annexure A1 in OAs Nos. 180-273-2018, 180-276-2018, 180-364-2018 and 180-369-2018, A8 in OAs Nos. 180-124-2017 and 180-168-2017, Annexure A11 in OA No. 180-769-2018 and Annexure A14 in OA No. 180-282-2017 are set aside to the extent it is contrary to the earlier direction of this Tribunal fixing a common date of absorption i.e. 4.3.2011.

ii) The date of take over of the hospital will be date of absorption which is in the case of Udhogmondal – 2.11.2009, Parippally – 16.10.2010 and Ezhukone – 20.10.2010. The seniority and promotion will be governed accordingly with all consequential benefits.

iii) The claim of the past seniority and promotion as held is barred by law of limitation and hence, disallowed.

iv) The respondents shall implement the order of this Tribunal within four months from the date of receipt of a copy of this order.

29. All the OAs are disposed of as above. There shall be no order as to costs. Consequently all MAs are also disposed of.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00627/2015

1. Annexure A1 – True copy of the order No. 32197/F-4/2008 LBR dated 18.2.2009.
2. Annexure A2 – True copy of the order No. U-16/25/26/08/Med.II(Kerala) dated 18.8.2009.
3. Annexure A3 – True copy of the draft terms of absorption dated nil communicated by the 2nd respondent.
4. Annexure A4 – True copy of the order No. U-11/11/6/MH/Indore/07 Med-VI dated 17.12.2009.
5. Annexure A5 – True copy of proceedings for option and necessary forms issued to the employees on 8.3.2011.
6. Annexure A6 – True copy of the order along with the appendix of list of employees whose resignations are accepted by order No. B2-37418/2008/DIMS dated 25.3.2011.
7. Annexure A7 – True copy of the report dated 24.5.2011.
8. Annexure A8 – True copy of the order No. 543-A.37/14/1/2009-Admin dated 25.5.2011.
9. Annexure A9 – True copy of the order No. A-37/18/01/10 Med VI dated 10.8.2011.
10. Annexure A10 – True copy of the order No.Z-11/07/09-Med.VI/61 dated 26.9.2011.
11. Annexure A11 – True copy of the order No. Z-11/07/09-Med.VI dated 25.10.2011.
12. Annexure A12 – True copy of the order dated 26.2.2015 in the OA No. 1175/2013.
13. Annexure A13 – True copy of the order No. Z-11/05/09-C/Integ/Kollam dated 19.6.2015 to the Medical Superintendent, ESIC Hospital, Asramam, Kollam.
14. Annexure A14 – True copy of the order No. 542/A/24/13(1)/MHA/15(Adm) dated 30.6.2015 issued by the 4th respondent.
15. Annexure A15 – True copy of the order No.542/A/24/13(1)/MHA/15(Adm) dated 21.7.2015 issued by the 3rd respondent.

16. Annexure MA1 – True copy of the seniority list.
17. Annexure MA2 – True copy of the proceeding dated 8.4.2009.
18. Annexure A16 – True copy of the order dated 4.7.2016 passed by the Hon'ble Supreme Court in SLP CC No. 10471-10472 of 2016.
19. Annexure A17 – True copy of the dated 25.7.2016 issued by the Deputy Director (Admin), ESI Hospital Ashramam as the order No. 542-A/22/14/MHA/06(Adm) along with office order NO. 156 of 2016.
20. Annexure A18 – True copy of the dated 23.9.2016 issued by the Deputy Director (Administration), Regional Office, ESI Corporation Trichur, Kerala as order NO. 54A 22/15/10/2016 along office order NO. 208 of 2016.
21. Annexure A19 – True copy of the order dated 28.9.2016 issued by the Deputy Director (Admin), sub regional office, Thiruvananthapuram, Kerala as order No. 48 A22/15/1/2013/Admin along with Office order No. 63 of 2016.
22. Annexure A20 – True copy of the order dated 28.9.2016 issued by the Deputy Director (Admin), ESI Hospital, Asramam, Kollam, Kerala as order No. 542/A/22/14/MHA/06/Adm along with office order No. 192 of 2016.
23. Annexure A21 – True copy of the order dated 28.9.2016 issued by the Deputy Director (Admin), ESI Hospital, Ashramam as the order No. 542-A/22/14/MHA/06(Adm) along with office order No. 193 of 2016.
24. Annexure A22 – True copy of the order dated 28.9.2016 issued by the Deputy Director (Admin), ESI Corporation Asramam, Kollam, Kerala as Order No. 542/A/22/14/MHA/06/Adm along with office order No. 194 of 2016.
25. Annexure A23 – True copy of the order dated 3.10.2016 issued by the Deputy Director (Admin), ESI Hospital, Ashramam as the order No. 542-A/22/14/MHA/08/ADM/MHA.
26. Annexure A24 – True copy of the order dated 6.10.2016 issued by the Deputy Director (Admin), ESI Hospital, Ashramam as the order No. 542-A/22/14/MHA/06(Adm) along with office order no. 204 of 2016.
27. Annexure A25 – True copy of the order dated 6.10.2016 issued by the Deputy Director (Admin), ESI Hospital Ashramam as the order No. 542/A/22/14/MHA/06(Adm) along with office order No. 206 of 2016.

28. Annexure A26 – True copy of the order dated 7.10.2016 issued by the Deputy Director (Admin), ESI Hospital Ashramam as the order No. 542/A/22/15/MHA/2011MHA/ADM along with office order No. 208 of 2016.
29. Annexure A27 – True copy of the order dated 22.11.2016 passed by the Deputy Director (Admin) ESI Hospital, Asramam.
30. Annexure A28 – True copy of the counter affidavit filed on behalf of Director General and others dated 21.9.2011.
31. Annexure A29 – True copy of the interim order dated 28.3.2011 in WP(C) No. 8187 of 2010.
32. Annexure R2(a) - True copy of the letter dated 29.12.2005 issued by the Medical Commissioner to the Secretary, Ministry of Labour, Government of Kerala.
33. Annexure R2(b) - True copy of the terms of absorption of the staff in ESIC Model Hospital, Ashramam.
34. Annexure R2(c) - True copy of modified draft terms of absorption.
35. Annexure R2(d) - True copy of the letter dated 18.12.2009 of the Joint Director, ESIC Headquarters to all the Medical Superintendents of the ESI Hospitals.
36. Annexure R2(e) - True copy of the GO(MS) No. 31/2011/LBR dated 25.2.2011.
37. Annexure R2(f) - True copy of the common judgment dated 14.6.2011 of the Hon'ble High Court of Kerala in WP(C) No. 8187, 9313 and 9720 of 2010.
38. Annexure R2(g) - True copy of the digitally signed copy of the order dated 4.7.2016 of the Hon'ble Supreme court in SLP No. 10471/16.
39. Annexure R2(h) - True copy of the order dated 5.2.2015 of this learned Tribunal in OA No. 157/13.
40. Annexure R9A - True copy of the terms of absorption No. A-11/11/10/09 Med-VI dated 13.6.2011.
41. Annexure R26(a)- True copy of the terms and conditions of permanent absorption No. A-11/11/10/09 Med-VI dated 13.6.2011.

Original Application No. 180/00673/2016

1. Annexure A1 - True copy of the order declaring the probation of the applicants.
2. Annexure A2 - True copy of final seniority list of Staff Nurse published by the 4th respondent.
3. Annexure A3 - True copy of the revised staff strength in 2nd respondent hospital as sanctioned by the 1st respondent.
4. Annexure A4 - True copy of the sanctioned staff strength in 5th respondent hospital.
5. Annexure A5 - True copy of the relevant pages of ESIC (Recruitment) Regulations 2010 Group-C (Nursing Cadre) Posts.
6. Annexure A6 - True copy of the order of temporary appointments by giving charge to Staff Nurse as Nursing Sister.
7. Annexure A7 - True copy of the order of temporary appointments by giving charge to Nursing Sisters as Asst. Nursing Superintendent.
8. Annexure A8 - True copy of the representation dated 28.8.2013 submitted by the 28th applicant.
9. Annexure A9 - True copy of the draft seniority list of Asst. Nursing Superintendent as on 1.4.15.
10. Annexure A10 - True copy of the order No. 542/A/27/22/MHA/08 dated 22.11.2016.
11. Annexure A11 - True copy of the order No. 542/A/24/13/MHA/15 (Adm) dated 7.2.2017.
12. Annexure MA-1- True copy of the order dated 5.4.2017 of this Hon'ble Tribunal.

Original Application No. 180/00124/2017

1. Annexure A1 - True copy of draft terms of absorption.
2. Annexure A2 - True copy of the communication NO. 542/A/24/13(1)MHA/13/Adm dated 9.7.2013.
3. Annexure A3 - True copy of the objection to the said draft list.
4. Annexure A4 - True copy of the letter F. No. 545/A/22/11/CHE/2010-Adm (Vol-II) dated 24.1.2013 of the 5th

respondent.

5. Annexure A5 - True copy of the memorandum of draft seniority list No. 542/A/24/13(1)MHA/13/Adm dated 9.1.2014.
6. Annexure A6 - True copy of the covering letter dated 21.7.2015 along with the minutes of the meeting dated 16.7.2015.
7. Annexure A7 - True copy of the representation to the respondents 2 to 6 dated 10.8.2015.
8. Annexure A8 - True copy of the office order No. 542/A/24/13(1)MHA/13/Adm dated 7.2.2017.
9. Annexure A9 - True copy of the office order No. 832 of 2013 dated 30.12.2013 issued by the Deputy Director of ESI Model Hospital cum ODC & PGIMSR Mumbai.
10. Annexure R7(a) - True copy of the GO(MS) No. 68/2009/LBR dated 25.5.2009.
11. Annexure R7(b) - True copy of the GO(MS) No. 138/09/LBR dated 15.10.2009.
12. Annexure R7(c) - True copy of the GO(MS) No. 50/2011/LBR dated 17.3.2011.
13. Annexure R7(d) - True copy of the GO(MS) NO. 98/2012/LBR dated 27.6.2012.
14. Annexure R7(e) - True copy of the condition No. 4 of the terms of absorption of the ESI Corporation.
15. Annexure R9(a) - True copy of the order dated 26.10.2016 in MA Nos. 1210 of 2015 and 1102 of 2016 in OA No. 627 of 2015 of this Hon'ble Tribunal.

Original Application No. 180/00168/2017

1. Annexure A1 - True copy of draft terms of absorption.
2. Annexure A2 - True copy of the communication NO. 542/A/24/13(1)MHA/13/Adm dated 9.7.2013.
3. Annexure A3 - True copy of the objection to the said draft list.
4. Annexure A4 - True copy of the letter F. No. 545/A/22/11/CHE/2010-Adm (Vol-II) dated 24.1.2013 of the 5th

respondent.

5. Annexure A5 - True copy of the memorandum of draft seniority list No. 542/A/24/13(1)MHA/13/Adm dated 9.1.2014.
6. Annexure A6 - True copy of the covering letter dated 21.7.2015 along with the minutes of the meeting dated 16.7.2015.
7. Annexure A7 - True copy of the representation to the respondents 2 to 6 dated 10.8.2015.
8. Annexure A8 - True copy of the office order No. 542/A/24/13(1)MHA/13/Adm dated 7.2.2017.
9. Annexure A9 - True copy of the office order No. 832 of 2013 dated 30.12.2013 issued by the Deputy Director of ESI Model Hospital cum ODC & PGIMSR Mumbai.
10. Annexure A10 - True copy of the order No. 2/2010/LBR dated 1.1.2010.
11. Annexure A11 - True copy of the terms of absorption GO (MS) No. 138/09 LBR dt. 15.10.2009.
12. Annexure A12 - True copy of the communication dated 14.7.2011.
13. Annexure A13 - True copy of the final seniority list dated 12.5.2010.
14. Annexure R7(a) - True copy of the GO(MS) No. 68/2009/LBR dated 25.5.2009.
15. Annexure R7(b) - True copy of the GO(MS) No. 138/09/LBR dated 15.10.2009.
16. Annexure R7(c) - True copy of the GO(MS) No. 50/2011/LBR dated 17.3.2011.
17. Annexure R7(d) - True copy of the GO(MS) NO. 98/2012/LBR dated 27.6.2012.
18. Annexure R7(e) - True copy of the condition No. 4 of the terms of absorption of the ESI Corporation.
19. Annexure R9(a) - True copy of the order dated 26.10.2016 in MA Nos. 1210 of 2015 and 1102 of 2016 in OA No. 627 of 2015 of this Hon'ble Tribunal.

20. Annexure A12 - True copy of the covering letter to the all Medical Superintendents and Terms of Absorption approved by the Hon'ble Chairman of ESIC.

Original Application No. 180/00176/2017

1. Annexure A1 - True copy of draft terms of absorption.
2. Annexure A2 - True copy of the communication NO. 542/A/24/13(1)MHA/13/Adm dated 9.7.2013.
3. Annexure A3 - True copy of the final seniority list No. 542.A27.21.MHA.08.Adm dated 18.6.2010.
4. Annexure A4 - True copy of the representation submitted by the 6th applicant dated 22.3.2014.
5. Annexure A5 - True copy of the letter F. No. 545/A/22/11/CHE/2010-Adm (Vol-II) dated 24.1.2013 of the 5th respondent.
6. Annexure A6 - True copy of the full text and decision of the 134th meeting in item No. 8.
7. Annexure A7 - True copy of the order dated 1.1.2010.
8. Annexure A8 - True copy of the order dated 15.10.2009 along with terms of absorption.
9. Annexure A9 - True copy of the communication dated nil.
10. Annexure A10 - True copy of the order No. 54.A.22/15/2/2018-Adm dated 31.5.2019.
11. Annexure A11- True copy of the OM No. 20020/7/80-Estt.(D) dated 29.5.1986 and OM No. 20011/1/2000 Estt (D) dated 27.3.2001.
12. Annexure A12- True copy of the GO (MS) No. 2/2010 LBR dated 1.1.2010.
13. Annexure A13- True copy of the communication No. A-33/12/3/2011 Med-IV dated 12.6.2012 along with its condition.
14. Annexure A14- True copy of the statement showing the entry in service by the applicant and respondents 9 to 19 in ESI hospital Ezhukone/Asramam.
15. Annexure A15- True copy of the guideline No. U-11/12/Misc./Jaipur/1/2006-Med.VI dated 11.7.2008.
16. Annexure A16 - True copy of the seniority list of the absorbed staff nurses in Andheri No. EMHA/Mumbai/Recruit/Roaster & Seniority/900/2015 dated 11.12.2015.
17. Annexure R9(a) - True copy of the memorandum No. 542/A/24/16/MHA/08 dated 11.6.2008.
18. Annexure A9(b) - The terms and conditions of permanent absorption of the applicants (Terms of absorption of Ezhukone).
19. Annexure R9(c) - True copy of the terms of absorption for Asramam

Hospital.

20. Annexure R9(d) - True copy of the interim order dated 5.4.2017 of this Hon'ble Court in OA No. 124/2017.
21. Annexure R7(a) - True copy of the letter No. U.13/12/06-08/Med.I(Kerala), dated 23.3.2009.
22. Annexure R7(b) - True copy of the GO (MS) No. 68/2009/LBR dated 25.5.2009.
23. Annexure R7(c) - True copy of the GO (MS) No. 2/2010/LBR dated 1.1.2010.
24. Annexure R7(d) - True copy of the GO(MS) No. 138/09/LBR dated 15.10.2009.
25. Annexure R7(e) - True copy of the Government Letter No. 8838/F3/2010/LBR dated 12.4.2010.
26. Annexure R7(f) - True copy of the GO(MS) No. 50/2011/LBR dated 17.3.2011.
27. Annexure R7(g) - True copy of the GO(MS) NO. 98/2012/LBR dated 27.6.2012.
28. Annexure R9(e) - True copy of the report on absorption anomaly.
29. Annexure R2(A)- True copy of the terms and conditions of the absorption of ESI Hospital, Ezhukone which were forwarded by ESIC Headquarters Office.
30. Annexure R2(B)- True copy of the letter No. A-11/11/10/09 Med-VI dated 13.6.2011.
31. Annexure R2(C)- True copy of the A form dated 31.12.2011 germane to 2nd applicant.
32. Annexure R2(D)- True copy of the A form dated 30.12.2011 germane to 1st applicant.
33. Annexure R2(E)- True copy of the A form dated 30.12.2011 germane to 6th applicant.
34. Annexure R2(F)- True copy of the A form dated 30.12.2011 germane to 4th applicant.
35. Annexure R2(G)- True copy of the A form dated 29.12.2011 germane to 7th applicant.
36. Annexure R2(H)- True copy of the A form dated 31.12.2011 germane to 3rd applicant.
37. Annexure R2(I)- True copy of the order/communication dated 27.6.2012 issued by the Government accepting the Technical Resignation of the employees including the applicants.

38. Annexure R2(J) - True copy of the letter dated 23.3.2009 issued by the then Director General of ESI Corporation to Sh. C.K. Viswanathan, Secretary (Labour), Secretariat, Trivandrum, Kerala regarding taking over of ESI Hospital, Paripally and Ezhukone.

Original Application No. 180/00282/2017

1. Annexure A1 – True copy of the order No. GO (Ms) No. 2/2010/LBR dated 1.1.2010 issued by the 5th respondent.
2. Annexure A2 - True copy of the Government order GO (Ms) No. 138/2009/LBR dated 15.10.2009 issued by the 5th respondent.
3. Annexure A3 - True copy of the letter dated 26.3.2011 issued by the 5th respondent along with English translation.
4. Annexure A4 - True copy of the minutes of the meeting of the Committee held on 16.4.2010.
5. Annexure A5 - True copy of the letter dated 27.2.2012 issued by the 2nd respondent.
6. Annexure A6 - True copy of the order dated 19.12.2011 issued by the 2nd respondent.
7. Annexure A7 - True copy of the order GO (Ms) No. 98/2012/LBR dated 27.6.2012 issued by the 5th respondent.
8. Annexure A8 – True copy of the judgment dated 28.11.2012 in WP(C) No. 30517/2011 before the Hon'ble High Court of Kerala.
9. Annexure A9 – True copy of the representation dated 29.1.2013 submitted before the respondents.
10. Annexure A10 – True copy of Memorandum bearing No. 542/A/24/13(1) MHA/13/Adm dated 9.7.2013 along with relevant pages of Draft Seniority List of Staff Nurses in ESIC Hospitals, Kerala Region issued on behalf of the 3rd respondent.
11. Annexure A11 - True copy of the order dated 1.8.2013 by the Hon'ble Central Administrative Tribunal, Ernakulam Bench in OA 704/2013.
12. Annexure A12 - True copy of the memorandum bearing No. 542/A/24/13(1) MHA/13/Adm dated 9.1.2014 along with relevant pages of Draft Seniority list of Staff Nurses in ESIC Hospitals, Kerala Region issued on behalf of the 3rd respondent.

13. Annexure A13 - True copy of the order dated 5.2.2015 by the Hon'ble Central Administrative Tribunal, Ernakulam Bench in OA 157/2013.

14. Annexure A14 - True copy of Memorandum bearing No. 542/A/24/13/MHA/15(Adm) dated 7.2.2017 along with relevant pages of seniority list of Staff Nurses in ESIC, Kerala Region issued by the 4th respondent.

15. Annexure R7(a) - True copy of the order dated 26.10.2016 in MA Nos. 1210 of 2015 and 1102 of 2016 in OA No. 627 of 2016 of this Hon'ble Tribunal.

16. Annexure R7(b)- True copy of the order dated 5.4.2017 of this Hon'ble Tribunal.

Original Application No. 180/00273/2018

1. Annexure A1 - True copy of the notification No. 542/A/24/13(1)/MHA/18(Adm.) dated 7.3.2018.

2. Annexure A2 - True copy of the objection 1st applicant dated 12.3.2018.

3. Annexure A3 - True copy of the interim order in OA No. 180/273/2018 dated 19.3.2018.

4. Annexure A4 - True copy of the order in OA No. 180/273/2018 dated 13.8.2018.

5. Annexure A5 - True copy of the interim order in OA No. 627/2015 dated 26.10.2016.

6. Annexure A6 - True copy of the order in OA No. 1067/2016 dated 2.6.2017.

7. Annexure A7 - True copy of the order dated 25.9.2018.

8. Annexure A8 - True copy of the judgment in OP (CAT) No. 123/2019 dated 20.5.2019.

9. Annexure A9 - True copy of the order No. 54.A.22/15/2/2018-Adm dated 31.5.2019.

10. Annexure A10 - True copy of the order No. A-11/11/18/09 Med-VI (Udyogamandal) dated 11.2.2010.

11. Annexure R10(a)- True copy of the order dated 26.10.2016 in MA

Nos. 1210 of 2015 and 1102 of 2016 in OA No. 627 of 2016 of this Hon'ble Tribunal.

12. Annexure R10(b)- True copy of the seniority list dated 7.2.2017.
13. Annexure R10(c)- True copy of the order dated 5.4.2017 of this Hon'ble Tribunal.
14. Annexure R10(d)- The terms and conditions of permanent absorption of the applicants in the OA.
15. Annexure R10(e)- True copy of the order No. A-11/12/15/2014/Legal/Jaipur/G-6/Indig dated 6.8.2018.
16. Annexure R10(f)- True copy of the common judgment dated 24.5.2017 of the Hon'ble High Court of Kerala in OP (CAT) Nos. 121 & 130 of 2017.
17. Annexure R10(g)- True copy of the common judgment dated 20.5.2019 of the Hon'ble High Court of Kerala in OP (CAT) Nos. 122 & 123 of 2019.
18. Annexure R8(a)- True copy of the GO(Ms.) No. 138/2009/LBR dated 15.10.2009.
19. Annexure R8(b)- True copy of the GO (Ms.) No. 31/2011/LBR dated 25.2.2011.

Original Application No. 180/00276/2018

1. Annexure A1 - True copy of the notification No. 542/A/24/13(1)/MHA/18(Adm.) dated 7.3.2018.
2. Annexure A2 - True copy of the objection filed by the 3rd applicant dated 12.3.2018.
3. Annexure A3 - True copy of the order in OA No. 180/276/2018 dated 4.4.2018.
4. Annexure A4 - True copy of the order dated 25.9.2018.
5. Annexure A5 - True copy of the judgment in OP (CAT) No. 122/2019 dated 20.5.2019.
6. Annexure A6 - True copy of the order No. 54.A.22/15/2/2018-Adm dated 31.5.2019.
7. Annexure R10(a)- True copy of the order dated 26.10.2016 in MA Nos. 1210 of 2015 and 1102 of 2016 in OA No. 627 of 2016 of this Hon'ble

Tribunal.

8. Annexure R10(b)- True copy of the seniority list dated 7.2.2017.
9. Annexure R10(c)- True copy of the order dated 5.4.2017 of this Hon'ble Tribunal.
10. Annexure R10(d)- The terms and conditions of permanent absorption of the applicants in the OA.
11. Annexure R10(e)- True copy of the order No. A-11/12/15/2014/Legal/Jaipur/G-6/Indig dated 6.8.2018.
12. Annexure R10(f)- True copy of the common judgment dated 24.5.2017 of the Hon'ble High Court of Kerala in OP (CAT) Nos. 121 & 130 of 2017.
13. Annexure R10(g)- True copy of the common judgment dated 20.5.2019 of the Hon'ble High Court of Kerala in OP (CAT) Nos. 122 & 123 of 2019.
14. Annexure R8(a)- True copy of order dated 15.10.2009.
15. Annexure R8(b)- True copy of order dated 1.1.2010.

Original Application No. 180/00364/2018

1. Annexure A1 - True copy of the notification No. 542/A/24/13(2)/MHA/18(Adm.) dated 27.3.2018.
2. Annexure A2 - True copy of the objection of 1st applicant dated 4.4.2018 before the Medical Superintendent.
3. Annexure R8(a)- True copy of order dated 15.10.2009.
4. Annexure R8(b)- True copy of order dated 1.1.2010.

Original Application No. 180/00369/2018

1. Annexure A1 - True copy of the notification No. 542/A/24/13(2)/MHA/18(Adm.) dated 27.3.2018.
2. Annexure A2 - True copy of the objection 2nd applicant dated 28.3.2018 before the Asst. Director.
3. Annexure R2(A)- True copy of the terms and conditions of the absorption of ESI Hospital, Ezhukone which were forwarded by ESIC Headquarters Office.

4. Annexure R2(B)- True copy of the letter No. A-11/11/10/09 Med-VI dated 13.6.2011.

Annexure R2(C)- True copy of the A form dated 31.12.2011 germane to 3rd applicant.

Annexure R2(D)- True copy of the A form dated 30.12.2011 germane to 2nd applicant.

Annexure R2(E)- True copy of the A form dated 30.12.2011 germane to 1st applicant.

Annexure R2(F)- True copy of the A form dated 30.12.2011 germane to 5th applicant.

Annexure R2(G)- True copy of the A form dated 29.12.2011 germane to 6th applicant.

Annexure R2(H)- True copy of the A form dated 31.12.2011 germane to 4th applicant.

Annexure R2(I)- True copy of the order/communication dated 27.6.2012 issued by the Government accepting the Technical Resignation of the employees including the applicants.

Original Application No. 180/00769/2018

1. Annexure A1 – True copy of the draft terms of absorption dated nil.

2. Annexure A2 – True copy of the letter Do. No. U16/25/26/08 Med II dated 8.12.2008.

3. Annexure A3 - True copy of the letter No. 32197/F4/2008 LBR dated 18.2.2009.

4. Annexure A4 - True copy of the communication dated 11.2.2010.

5. Annexure A5 – True copy of the order in OA No. 627/2015 dated 22.2.2018.

6. Annexure A6 – True copy of the order in OA No. 1067/2016 with OA No. 53/2017 dated 1.2.2018.

7. Annexure A7 - True copy of the order in OA No. 273/2018 dated 19.3.2018.

8. Annexure A8 - True copy of the interim order passed in OA No. 276/2018 dated 13.8.2018.

9. Annexure A9 – True copy of the extract of 174th meeting of ESI Corporation held on 29.5.2018.
10. Annexure A10 - True copy of the communication number A11/12/15/2014/Legal/Jaipur (Med-Integ.) dated 23.7.2018 along with the extract of decisions.
11. Annexure A11 - True copy of the order No. A-11/12/15/2014 dated 6.8.18 with corrigendum NoA-11/12/15/2014 dated 7.8.2018.
12. Annexure R7(1) - True copy of the GO (MS) No. 138/2009/LBR dated 15.10.2009.
13. Annexure R7(2) - True copy of the letter No. U-16/25/26/08/Med.II (Kerala) dated 30.10.2009.
14. Annexure R7(3) - True copy of the letter No. 543-A-37/14/1/2009-Admn dated 30.12.2009.
15. Annexure R7(4)- True copy of the GO(MS) No. 31/2011/LBR dated 25.2.2011.

-X-X-X-X-X-X-X-X-X-