

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 28TH DAY OF JANUARY 2021 / 8TH MAGHA, 1942

RP.No.1013 OF 2020 IN OP (CAT). 51/2020

AGAINST THE JUDGMENT DATED 05-11-2020 IN OP (CAT) 51/2020 OF HIGH
COURT OF KERALA

REVIEW PETITIONERS/RESPONDENTS 2 TO 4:

- 1 EMPLOYEES STATE INSURANCE CORPORATION
PANCHADWEEP BHAWAN, C.I.G ROAD, NEW DELHI 110 002,
REP.BY ITS DIRECTOR GENERAL
 - 2 THE MEDICAL SUPERINTENDENT
ESIC HOSPITAL, PARIPPALLY, KOLLAM DISTRICT 691 574
 - 3 DEPUTY DIRECTOR (ADMIN)
ESIC MODEL AND SUPER SPECIALITY HOSPITAL,
ASRAMAM, KOLLAM DISTRICT 691 502
- BY ADVS.
SRI.T.V.AJAYAKUMAR
KUM.P.H.RIMJU

RESPONDENTS/PETITIONERS & RESPONDENTS 1 AND 5 TO 37:

- 1 T.R.MOLLY
AGED 44 YEARS, D/O.J.TITUS, STAFF NURSE, ESIC
HOSPITAL, PARIPALLY, KOLLAM 691 574, RESIDING AT
KAVYA, OPP.TO VIMALA CENTRAL SCHOOL, KARAMCOD P.O.,
CHATHANOR, KOLLAM 691 579
- 2 RENI A.GEORGE, AGED 43 YEARS, D/O.A.V.GEORGE
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT KARUNYA, EROM NORTH, CHATHANOR,
KOLLAM 691 572
- 3 BINDU S.S., AGED 42 YEARS, D/O.SADASIVAN
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT SAVITHRI BHAVAN, PULMATH P.O.,
PORUNTHAMON, THIRUVANANTHAPURAM 695 612

- 4 SARASWATHY P.,
AGED 46 YEARS, D/O/PARAMESWARA PANIKKER
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT SOUPARNIKA, KOONAYIL,
PARAVUR P.O., KOLLAM 691 301
- 5 SUDHAMONY S., AGED 44 YEARS, D/O.SANKARAN
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT PLAVILAVEEDU, MAIDANAM,
VARKALA P.O., THIRUVANANTHAPURAM 695 041
- 6 LAILA C.L., AGED 44 YEARS, D/O.P.K.LESHMANAN
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT AKSHYA, KURUMANDAL,
PARAVUR P.O., KOLLAM 691 301
- 7 BINDHU K.
AGED 39 YEARS, D/O.PONNAYYAN, STAFF NURSE, ESIC
HOSPITAL, PARIPALLY, KOLLAM 691 574, RESIDING AT
ANIZHAM, PATTATHANAM P.O., KOLLAM 691 021
- 8 SUNIJA C., AGED 40 YEARS, D/O.CHANDRASENAN M.
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT RAJAGIRI, VALATHUNGAL P.O.,
KOLLAM 691 011
- 9 GIRIJA KUMARI G.
AGED 42 YEARS
D/O.GOPINANTHAN NAIR, STAFF NURSE, ESIC HOSPITAL,
PARIPALLY, KOLLAM 691 574, RESIDING AT V.V.NIVAS,
NAVAIKULAM P.O., THIRUVANANTHAPURAM 695 603
- 10 I.MOLY
AGED 39 YEARS
D/O.K.K.MUKUNDAN, STAFF NURSE, ESIC HOSPITAL,
PARIPALLY, KOLLAM 691 574, RESIDING AT PLANTHOTTAM,
POZHICKARA, PARAVOOR S., KOLLAM 691 334
- 11 MONI G., AGED 52 YEARS, D/O.GEORGE
STAFF NURSE, ESIC HOSPITAL, PARIPALLY, KOLLAM 691
574, RESIDING AT ANNU VILLA, ERAMTHIKKU, KARAMCODE,
KOLLAM 691 579
- 12 UNION OF INDIA
REP.BY THE SECRETARY, MINISTRY OF LABOUR AND
EMPLOYMENT, SHRAM SHAKTHI BHAVAN, NEW DELHI 110 001
- 13 STATE OF KERALA
REP.BY THE SECRETARY TO GOVERNMENT, LABOUR AND
REHABILITATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001

- 14 THE DIRECTOR OF INSURANCE MEDICAL SERVICES
THYCAUD, THIRUVANANTHAPURAM 695 001
- 15 BINUSHMA P.G., AGED 37 YEARS, W/O.SUNILKUMAR
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT TC 48/882(2), GOKULAM,
KONCHIRAVILA, MANAKKADU P.O.,
THIRUVANANTHAPURAM 695 608
- 16 PRIYA P., AGED 36 YEARS, W/O.M.THILAKAN
STAFF NURSE, PARIPPALLY ESIC HOSPITAL, KOLLAM,
KOLLAM DISTRICT, RESIDING AT KOLLAYIL CHARUVILA
PUTHENVEEDU, KARIMPALLOOR, PUTHENKULAM P.O.,
KOLLAM 691 302
- 17 SHERIN N.N., AGED 36 YEARS, W/O.BIJU V.
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT NEHALAYAM, ALAMUKKU,
POOVACHAL P.O., THIRUVANANTHAPURAM 695 575
- 18 KUNJUMOL P.N., AGED 43 YEARS, W/O.K.K.RAJU
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT SOPANAM, SAMURTHI NAGAR, 8-A,
ASRAMAM P.O., KOLLAM 691 302
- 19 L.PADMAKUMARI,
AGED 44 YEARS, W/O.PRAVEEN KUMAR K.S.
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM,
KOLLAM DISTRICT, RESIDING AT KRISHNA, T.C.21/1461,
NEDUMACADU, KARAMANA P.O.,
THIRUVANANTHAPURAM 695 002
- 20 BINDU M.THOMAS, AGED 42 YEARS, W/O.SINI GEORGE
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT KOLLAMPALLYTHARA, MERA NAGAR,
80-4, MUNDAKKAL, KOLLAM 691 010
- 21 INDU S., AGED 40 YEARS, W/O.PADMAKUMAR G.
STAFF NURSE, PARIPALLY ESIC HOSPITAL, KOLLAM,
KOLLAM DISTRICT, RESIDING AT NIVEDHYAM, H.NO.08-
332, MEKKONE CHANDANA THOPPU P.O., KOLLAM 691 014
- 22 ROSE CHARLES,
AGED 42 YEARS, W/O.SHAJI K.V.
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT KOKKAPPALLIL (H), THONACKADU
P.O., CHERIYANADU, CHENGANNUR,
ALEPPEY DISTRICT 689 121

- 23 BINDU S., AGED 41 YEARS, W/O.JAYAPRAKASH K.
STAFF NURSE, PARIPPALLY ESIC HOSPITAL, KOLLAM,
KOLLAM DISTRICT, RESIDING AT ANAYADI, PADEETATHIL,
PALLARVIMANGALAM P.O., MAVELIKKARA, ALLEPPEY
DISTRICT 690 101
- 24 SREELEKHA P.B.
AGED 43 YEARS, W/O.P.RADHAKRISHNAN, STAFF NURSE,
PARIPPALLY ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT ANAYADI, PADEETATHIL, PALLARVIMANGALAM
P.O., MAVELIKKARA, ALEPPEY DISTRICT 690 101
- 25 KAVITHA ARAVIND, AGED 40 YEARS, W/O.BINULAL
STAFF NURSE, PARIPPALLY ESIC HOSPITAL, KOLLAM,
KOLLAM DISTRICT, RESIDING AT KRISHNA GADHA,
KOTTIKADA P.O., KOLLAM 691 021
- 26 SUNITHA S.
AGED 37 YEARS, W/O.SHAJI T.J., STAFF NURSE,
ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT SHAJI NIVAS, MITHRANIKETHAN P.O.,
VELLANADU, THIRUVANANTHPURAM 695 543
- 27 SUSHEELA T.
AGED 48 YEARS, W/O.SURESH BABU V., STAFF NURSE,
PARIPPALLY ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT SABHALAYAM, EDAVATTOM, VELLIMON P.O.,
KERALAPURAM KOLLAM 691 511
- 28 SIJITHA S.
AGED 40 YEARS
W/O.SUNIL P.S., STAFF NURSE, PARIPPALLY ESIC
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
SOUPARNIKA, KUZHIYAM SOUTH TEMPLE NAGAR, HOUSE
NO.5, CHANDANA THOPPU P.O., KOLLAM 691014
- 29 SEENA M.NAIR
AGED 37 YEARS, W/O.ANILKUMAR R., STAFF NURSE,
ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT SEENA SADAN, VALANCHERY, KILIMANOR
P.O., THIRUVANANTHAPURAM 695 601
- 30 ANNIE PIUS, AGED 37 YEARS, W/O.GRACIOUS K.E.
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT SHARON COTTAGE, MARUTHADY
P.O., KOLLAM 691 003
- 31 SHEENA H.M.
AGED 32 YEARS
W/O.SANTHOSH R.P., STAFF NURSE, PARIPPALLY ESIC
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT

- SHEENA MANDIRAM, EDATHARA P.O., KARYAM, KADAKKAL,
KOLLAM 691 536
- 32 SOUMYA S.
AGED 32 YEARS, W/O.SHAIJU B., STAFF NURSE,
PARIPPALLY ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT OZHUKUPARA HOUSE, VATTAPARA HOUSE,
THIRUVANANTHAPURAM 695 028
- 33 DIANA JOSEPH
AGED 35 YEARS, W/O.ASOK EAPEN, STAFF NURSE,
PARIPPALLY ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT AN-125, ADARSH NAGAR, PATTOM P.O.,
THIRUVANANTHAPURAM 695 004
- 34 LAISAMMA P.M.
AGED 41 YEARS, W/O.KURIAN T.C., STAFF NURSE,
ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT THADIMATTATHIL HOUSE, PARAMPUZHA P.O.,
KOTTAYAM 686 004
- 35 PREETHA S.V., AGED 34 YEARS, W/O.SAJUMON K.
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT UTHRAM, KAVOTTUMUKKU,
KAZHAKKOOTAM, THIRUVANANTHAPURAM 695 582
- 36 VINEETHA KUMARY T.K., AGED 33 YEARS, W/O.G.K.SHANOJ
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT THRAISHAM, IRUKKUNNAM,
NETTAYAM, MANICANDESWARAM P.O.,
THIRUVANANTHAPURAM 695 013
- 37 SURYA K., AGED 45, W/O.MADHU P.P.
STAFF NURSE, ASHRAMAM ESIC HOSPITAL, KOLLAM,
KOLLAM DISTRICT, RESIDING KAREETHARA HOUSE,
CHETTIMANGALAM, THEKKANADA P.O., VAIKOM,
KOTTAYAM 686 142
- 38 JEENA PAUL
AGED 40 YEARS, W/O.JIJU P.D., STAFF NURSE,
UDYOGAMANDAL, ESI HOSPITAL, KOLLAM KOLLAM DISTRICT,
RESIDING AT POLLAYIL HOUSE, ALANGAD P.O.,
NEAR ST. MARY'S CHURCH, ERNAKULAM 685 517
- 39 MANJU M.V.
AGED 39 YEARS, W/O.G.D.HARIKUMAR, STAFF NURSE,
ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT GOKULAM, HOUSE NO.20, V.S.P.NAGAR,
KERAUDDURAY, PATTOM P.O.,
THIRUVANANTHAPURAM 695 004

- 40 PRABJU KUMAR R.A.
AGED 34 YEARS, S/O.D.RAVEENDRAN, STAFF NURSE,
ASHRAMAM ESIC HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT PRANAVAM, MULAMMOODU, MUKKAMPALAMOODU,
NARUVAMOODU P.O., THIRUVANANTHAPURAM 695 020
- 41 GEETHAKUMARI N.
AGED 39 YEARS, W/O.SURESH KUMAR C., STAFF NURSE,
ASHRAMAM ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT NERMALAYAM, PERUMPUZHA P.O., KUNDARA,
KOLLAM 691 504
- 42 ROOPA P.
AGED 38 YEARS, W/O.GOPAKUMAR M.G., STAFF NURSE,
UDYOGAMANDAL ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT ANUROOP, PANAMANNA P.O., OTTAPPALAM,
PALAKKAD 679 501
- 43 INDU P.R.
AGED 41 YEARS, W/O.VIJAYAN V., STAFF NURSE,
ASHRAMAM ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT NANDAKRISHNA, KANNIMEL CHERRY,
MARUTHADY, KOLLAM 691 003
- 44 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
- 45 AMBILI P.A.
AGED 39 YEARS, W/O.BIJU P., STAFF NURSE,
UDYOGAMANDAL, ESI HOSPITAL, KOLLAM, KOLLAM
DISTRICT, RESIDING AT NADUMUTTAM HOUSE,
NEELESWARAM P.O., KALADY, ERNAKULAM 683 574
- R1-11 BY ADV. SRI.SAJITH KUMAR V.
R1-11 BY ADV. SHRI.GODWIN JOSEPH
R1-11 BY ADV. SRI.A.V.VIVEK
R12 BY ADV. SRI.P.VIJAYAKUMAR
R15-45 BY ADV. SRI.JACKSON JOHNY
R15-45 BY ADV. SHRI.K.P.HARISH

OTHER PRESENT:

SRI. A.J. VARGHESE-SR. G.P.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
28.01.2021, ALONG WITH RP.76/2021, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 28TH DAY OF JANUARY 2021 / 8TH MAGHA, 1942

RP.No.76 OF 2021 IN OP (CAT). 51/2020

AGAINST THE JUDGMENT DATED 05-11-2020 IN OP (CAT) 51/2020 OF
HIGH COURT OF KERALA

REVIEW PETITIONERS/RESPONDENT NOS.7 TO 37:

- 1 BINUSHMA P.G
AGED 37 YEARS
W/O. SUNILKUMAR, NURSING SISTER, ASRAMAM, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT TC
48/882(2), GOKULAM, KONCHIRAVILA, MANAKKADU P.O,
THIRUVANANTHAPURAM.
- 2 PRIYA P,
AGED 36 YEARS, W/O. M. THILAKAN, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT KOLLAYIL CHARUVILA PUTHENVEEDU,
KARIMPALLOOR, PUTHENKULAM P.O, KOLLAM-691 302
- 3 SHERIN N.B,
AGED 36 YEARS, W/O. BIJU V, NURSING SISTER, ASRAMAM
, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING
AT NEHALAYAM, ALAMUKKU, POOVACHAL P.O,
THIRUVANANTHAPURAM-695 575
- 4 KUNJUMOL P.N,
AGED 43 YEARS, W/O. K.K. RAJU, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT SOPANAM, SAMURTHI NAGAR, 8A, ASRAMAM
P.O, KOLLAM-691 302.
- 5 L. PADMAKUMARI,
AGED 44 YEARS
W/O. PRAVEENKUMAR K.S, NURSING SISTER, ASRAMAM, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
KRISHNA, TC 21, 1461, NEDUMCADU, KARAMANA P.O,
THIRUVANANTHAPURAM-695 002

- 6 BINDU M. THOMAS,
AGED 42 YEARS
W/O. SINI GEORGE, NURSING SISTER, ESIC HOSPITAL,
EZHUKONE, KOLLAM DISTRICT, RESIDING AT
KOLLAMPPALLYTHARA, MERA NAGAR, 80-4, MUNDAKKAL,
KOLLAM DISTRICT.
- 7 INDU S,
AGED 40 YEARS, W/O. PADMAKUMAR G, NURSING SISTER,
ESIC HOSPITAL, EZHUKONE, KOLLAM DISTRICT, RESIDING
AT NIVEDHYAM, H.NO. 08/332, MEKKONE CHANDANA THOPPU
P.O, KOLLAM-691 014
- 8 ROSE CHARLES,
AGED 42 YEARS, W/O. SHAJI K.V, NURSING SISTER, ESIC
HOSPITAL, EZHUKONE, KOLLAM DISTRICT, RESIDING AT
KOKKAPPALLIL HOUSE, THONACKADU P.O, CHERIYANADU,
CHENGANNUR, ALLAPPEY DISTRICT.
- 9 BINDU S,
AGED 41 YEARS
W/O. JAYAPRAKASH K, NURSING SISTER, ESIC HOSPITAL,
EZHUKONE, KOLLAM DISTRICT, RESIDING AT PULIYANMAVIL
HOUSE, KAVUMBHAGAM P.O, KIZHAKKUMMINRI, THRUVALLA,
PATHANAMTHITTA -689 102.
- 10 SREELEKHA P.B,
AGED 43 YEARS
W/O. P. RADHAKRISHNAN, NURSING SISTER, ESIC
HOSPITAL, EZHUKONE, KOLLAM DISTRICT, RESIDING AT
ANAYADI, PADEETHATHIL, PALLARVIMANGALAM P.O,
MAVELIKKARA, ALLEPPEY DISTRICT.
- 11 KAVIITHA ARAVIND,
AGED 40 YEARS
W/O. BINULAL, NURSING SISTER, ESIC HOSPITAL,
EZHUKONE, KOLLAM DISTRICT, RESIDING AT KRISHNA
GADHA, KOTTIKADA P.O, KOLLAM DISTRICT.
- 12 SUNITHA S,
AGED 37 YEARS, W/O. SHAJI T.J, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT SHAJI NIVAS, MITHRANIKETHAN P.O,
VELLANADU, THIRUVANANTHAPURAM.
- 13 SUSHEELA T,
AGED 48 YEARS, W/O. SURESH BABU V, NURSING SISTER,
ESIC HOSPITAL, EZHUKONE, KOLLAM DISTRICT, RESIDING
AT SABHALAYAM, EDAVATTOM, VELLIMON P.O,
KERALAPURAM, KOLLAM-691 511

- 14 SIJITHA S,
AGED 40 YEARS
W/O. SUNIL P.S, NURSING SISTER, ASRAMAM , ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
SOUPARNIKA, KUZHIYAM SOUTH TEMPLE NAGAR, HOUSE NO.
5, CHANDANA THOPPU P.O, KOLLAM-691 014.
- 15 SEENA M. NAIR,
AGED 37 YEARS
W/O. ANILKUMAR R, NURSING SISTER, PARIPPALLY, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
SEENA SADAN, VALANCHERY, KILIMANOR P.O,
THIRUVANANTHAPURAM-695 601
- 16 ANNIE PIUS,
AGED 37 YEARS
W/O. GRACIOUS K.E, NURSING SISTER, ASRAMAM, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
SHARON COTTAGE, MARUTHADY P.O, KOLLAM-691 003
- 17 SHEENA H.M,
AGED 36 YEARS
W/O. SANTHOSH R.P, NURSING SISTER, PARIPPALLY, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
SHEENA MANDIRAM, EDATHARA P.O, KARYAM, KADAKKAL,
KOLLAM-691 536
- 18 SOUMYA S,
AGED 32 YEARS, W/O. SHAIJU B, NURSING SISTER, ESIC
HOSPITAL, EZHUKONE, KOLLAM DISTRICT, RESIDING AT
OZHUKUPARA HOUSE, VATTAPPARA HOUSE,
THIRUVANANTHAPURAM-695 028
- 19 DIANA JOSEPH,
AGED 35 YEARS, W/O. ASOK EAPEN, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT AN-125, ADARSH NAGAR, PATTOM P.O,
THIRUVANANTHAPURAM-695 004.
- 20 LAISAMMA P.M,
AGED 41 YEARS, W/O. KURIAN T.C., NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT THADIMATTATHIL HOUSE, PARAMPUZHA P.O,
KOTTAYAM-686 004
- 21 PREETHA S.V,
AGED 34 YEARS, W/O. SAJUMON K, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT UTHRAM, KAVOTTUMUKKU, KAZHAKKOOTAM,
THIRUVANANTHAPURAM-695 582

- 22 VINEETHA KUMARY T.K,
AGED 33 YEARS, W/O. G.K. SHANOJ, NURSING SISTER,
ESIC HOSPITAL , EZHUKONE, KOLLAM DISTRICT, RESIDING
AT THRAISHAM, IRIKKUNNAM, NETTAYAM, MANICANDESWARAM
P.O, THIRUVANANTHAPURAM.
- 23 SURYA K,
AGED 45 YEARS, W/O. MADHU P.P, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT KAREETHARA HOUSE, CHETTIMANGALAM,
THEKKENADA P .O, VAIKOM, KOTTAYAM 686 142.
- 24 JEENA PAUL,
AGED 40 YEARS
W/O. JIJU P.D, NURSING SISTER, ASRAMAM, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
POLLAYIL HOUSE, ALANGAD P.O, NEAR ST.MARY'S CHURCH,
ERNAKULAM.
- 25 MANJU M.V,
AGED 39 YEARS
W/O. G.D. HARIKUMAR, STAFF NURSE, ASRAMAM , ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
GOKULAM, HOUSE NO. 20, V.S.P NAGAR , KERAVIDDURAY,
PATTOM P.O, THIRUVANANTHAPURAM.
- 26 PRABHU KUMAR R.A,
AGED 34 YEARS
S/O. D. RAVEENDRAN, NURSING SISTER, ASRAMAM, ESI
HOSPITAL, KOLLAM, KOLLAM DISTRICT, RESIDING AT
PRANAVAM, MULAMMOODU, MUKKAMPALAMOODU, NARUVAMOODU
P.O, THIRUVANANTHAPURAM-695 020
- 27 GEETHAKUMARI N,
AGED 39 YEARS
W/O. SURESH KUMAR C, NURSING SISTER, ESIC
HOSPITAL , EZHUKONE, KOLLAM DISTRICT, RESIDING AT
NERMALAYAM, PERUMPUZHA P.O, KUNDARA, KOLLAM-691 504
- 28 ROOPA P,
AGED 38 YEARS, W/O. GOPAKUMAR M.G, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT ANUROOP, PANAMANNA P.O, OTTAPPALAM,
PALAKKADU-679 501
- 29 INDU P.R,
AGED 41 YEARS
W/O. VIJAYAN V, STAFF NURSE, ASRAMAM, ESI HOSPITAL,
KOLLAM, KOLLAM DISTRICT, RESIDING AT NANDA KRISHNA,
KANNIMEL CHERRY, MARUTHADY, KOLLAM-03.

30 AMBILI R,
AGED 46 YEARS, W/O. CYRIL CHACKO, STAFF NURSE,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT KALLUVILA VEEDU, THANNICODU, KUNDARA,
KOLLAM-691 501.

31 AMBILI P.A,
AGED 39 YEARS, W/O. BIJU P, NURSING SISTER,
ASRAMAM, ESI HOSPITAL, KOLLAM, KOLLAM DISTRICT,
RESIDING AT NADUMUTTAM HOUSE, NEELESWARAM P.O,
KALADY, ERNAKULAM.

BY ADVS.
SHRI.K.P.HARISH
SRI.JACKSON JOHNY
SMT.ROSIN JOSEPH

RESPONDENTS/APPLICANTS & RESPONDENT Nos 1 TO 6:

- 1 T.R.MOLLY
AGED 44 YEARS, D/O. J. TITUS, STAFF NURSE, ESIC
HOSPITAL, PARRIPALLY, KOLLAM 691 574, RESIDING AT
KAVYA, OPP. TO VIMALA CENTRAL SCHOOL, KARAMCOD P.O,
CHATHANOR, KOLLAM-691 579
- 2 RENI A,
D/O. A.V. GEORGE, AGED 47 YEARS, STAFF NURSE, ESIC
HOSPITAL, PARRIPALLY, KOLLAM-691 574, RESIDING AT
KARUNYA, EROM NORTH, CHATHANOR, KOLLAM-691 572.
- 3 BINDU S.S,
D/O. SADASIVAN, AGED 42 YEARS, STAFF NURSE, ESIC
HOSPITAL, PARRIPALLY, KOLLAM-691 574, RESIDING AT
SAVITHRI BHAVAN, PULIMATH P.O, PORUNTHAMON,
THIRUVANANTHAPURAM-695 612
- 4 SARASWATHY P,
D/O. P. PARAMESWARA PANIKKER, AGED 44 YEARS, STAFF
NURSE, ESIC HOSPITAL, PARRIPALLY, KOLLAM-691 574,
RESIDING AT SOUPARNIKA, KOONAYIL, PARAVUR P.O,
KOLLAM-691 301
- 5 SUDHAMONY S,
D/O. P. SANKARAN, AGED 48 YEARS, STAFF NURSE, ESIC
HOSPITAL, PARRIPALLY, KOLLAM-691 574, RESIDING AT
PLAVILAVEEDU, MAIDANAM, VARKALA P.O, VARKALA,
THIRUVANANTHAPURAM-695 141

- 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,
KOLLAM-691 301
- 7 BINDU K,
D/O. PONNAYYAN, AGED 43 YEARS, STAFF NURSE, ESIC
HOSPITAL, PARRIPALLY, KOLLAM-691 574, RESIDING AT
ANIZHAM, PATTATHANAM, KOLLAM-691 021
- 8 SUNIJA C.
D/O. CHANDRASENEN M, AGED 44 YEARS, STAFF NURSE,
ESIC HOSPITAL, PARRIPALLY, KOLLAM-691 574, RESIDING
AT RAJAGIRI, VALATHUNGAL, KOLLAM-691 011
- 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 P.O,
THIRUVANANTHAPURAM-695 603
- 10 MOLLY I,
D/O. K.K. MUKUNDAN, AGED 43 YEARS, STAFF NURSE,
ESIC HOSPITAL, PARRIPALLY, KOLLAM-691 574, RESIDING
AT PLANTHOTTAN, POZHICKARA, S. PARAVOOR,
KOLLAM-691 334
- 11 MONNY G.
D/O. GEORGE, AGED 56 YEARS, STAFF NURSE, ESIC
HOSPITAL, PARRIPALLY , KOLLAM-691 574,
RESIDING AT ANUVILLA, ERANTHIKKU,
KARAMKODE, KOLLAM-691 579
- 12 UNION OF INDIA ,
REP. BY THE SECRETARY,
MINISTRY OF LABOUR AND EMPLOYMENT,
SHRAM SHAKTHI BHAWAN, NEW DELHI 110 002.
- 13 EMPLOYEES STATE INSURANCE CORPORATION,
PANCHADEEP BHAWAN, C.I.G ROAD, NEW DELHI 110 002,
REPRESENTED BY ITS DIRECTOR GENERAL.
- 14 THE DEPUTY DIRECTOR (ADMIN) ,
ESIC MODEL AND SUPER SPECIALTY HOSPITAL, ASRAM,
KOLLAM DISTRICT-691 502
- 15 STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT, LABOUR AND
REHABILITATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001

16 THE DIRECTOR OF INSURANCE MEDICAL SERVICES,
THYCAUD, THIRUVANANTHAPURAM-695 001

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
28.01.2021, ALONG WITH RP.1013/2020, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

ORDER

DATED THIS THE 28th DAY OF JANUARY, 2021

Shaffique, J:

These review petitions have been filed inter alia contending that there are errors apparent on the face of record. Three specific issues had been raised by the learned counsel for the review petitioners. One is that though the petition was barred by limitation, this court did not take into consideration the fact that earlier original applications have been filed and the same had been rejected by the Tribunal. Yet another contention urged is that there was no public interest in absorbing the Nurses to ESI Hospitals. Even assuming that the hospitals were taken over in public interest, absorption of staff are not strictly in public interest. It is also contended that the Regulations which govern the field is ESIC (Recruitment) Regulations, 2010.

2. In fact all these issues had been considered elaborately in the order under review. As far as limitation is concerned, we have taken note of the earlier orders passed by the Tribunal and had arrived at a decision that there is no bar of limitation and therefore there is no error apparent on the face of record as far as the said issue is concerned.

3. With reference to clause 3.4.3 which indicates in cases in which absorbees are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to ESIC, we have come to the conclusion that the absorption was in public interest. The contention that it was not strictly in public interest, cannot be sustained as the entire absorption of the employees as well as hospital was only in public interest. There cannot be a different view. Therefore we don't find any error being committed by us.

4. As far as 2010 Regulations are concerned, it applies only to direct recruitees and not to absorbees as contemplated in the orders issued by the competent authorities. Under such circumstances, we don't find any error apparent on the face of record warranting interference while exercising review jurisdiction.

Review petitions are therefore dismissed.

(Sd/-)

A.M. SHAFFIQUE, JUDGE.

(Sd/-)

GOPINATH P., JUDGE.

AMG

APPENDIX OF RP 1013/2020

PETITIONER'S/S EXHIBITS:

**ANNEXURE I TRUE COPY OF THE MA 255/17 IN O.A.872/15 (WITHOUT
THE ANNEXURES A8 (A) TO A8(C) MARKED THEREIN) FOR
AMENDMENT**

**ANNEXURE II TRUE COPY OF THE INTERIM ORDER DATED 4.6.2020 OF
THIS HON'BLE COURT IN OP(CAT0 NO.97/20**

APPENDIX OF RP 76/2021

PETITIONER'S/S EXHIBITS:

**ANNEXURE A1 THE TRUE COPY OF THE RELEVANT PAGES OF ESIC
(RECRUITMENT) REGULATIONS 2010 GROUP C (NURSING
CADRE) POSTS.**