



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

**OA No. 750/2024  
with  
OA No. 2311/2024  
MA No. 2037/2024  
and  
OA No. 2762/2024  
MA No. 2429/2024**

**This the 23<sup>rd</sup> day of August, 2024**

**Hon'ble Mrs. Pratima K. Gupta, Member (J)  
Hon'ble Mr. Rajinder Kashyap, Member (A)**

**OA No. 750/2024**

1. Dr. Ankit Kumar Shahi s/o Sh. Shiv Nath Shahi, aged about 29 years, (Group-A), r/o Sadar Lions Hospital, A-1 Market, Near SBI, Mangal Bazar Road, Jahangir Puri, Delhi, presently working at ESIC Dental college & Hospital, Rohini, Delhi
2. Dr. Aanchal Sahni d/o Sh. MK Sahni, aged about 29 years, (Group-A), r/o B-195, UG Floor, Sainik Nagar, Near METRO Station, DK Mohan Garden, West Delhi, Delhi-110059, presently working at ESIC Hospital, Andheri(E),
3. Dr. Sonali Sharma, d/o Sh. Sagar Chand, aged about 29 years, (Group-A), r/o 40, Block MG-1, Vikaspuri, Tilak Nagar, Rajouri Garden, West Delhi, Delhi-110018, presently working at ESIC, Lucknow
4. Dr. Ayushi Srivastava d/o Sh. Anup Srivastava, aged about 28 years, (Group-A), r/o Flat No. E-402, Bhagywan Apartment, Mayur Vihar Ph-1, East Delhi, Delhi-110091, presently working at ESIC Hospital and ODC, Nanda Nagar, Indore, MP-452011,
5. Dr Harsha Popli, D/o Sh. Surendar Kumar, about aged about 28 years, (Group-A), r/o T-4 101, Park View Residency, Palam Vihar, Gurgaon, Haryana- 122001,



presently working at ESIC Model Hospital, Sector-9, Gurugram,

6. Dr. Harsha D/o Sh. Narender Singh Dahiya, aged about 28 years, (Group-A), r/o 14/13-A, Punjabi Bagh Extension, Punjabi Bagh, West Delhi-110026, presently working at ESIC Hospital, Manesar, Haryana,

7. Dr Jyoti Vashisht D/o Sh. Dharambir Singh, aged about 28 years, (Group-A), r/o B-73, Block-B, Bhagwati Garden, DK Mohan Garden, West Delhi, Delhi-110059, presently working at ESIC Hospital, Vannarpetai, Tirunelveli, Tamilnadu,

8. Dr Neha Sehrawat, D/o Sh. Dharambir Singh, aged about 28 years, (Group-A), r/o H No.-264, Darya Pur Kalan, North West Delhi, Delhi-110039, presently working at ESIC Model Hospital, Sector-9, Gurugram,

9. Dr Neha d/o Sh. Puran Chand, aged about 29 years, (Group-A), r/o B-4/15 A, Keshav Puram, North West Delhi, Delhi-110035, presently working at KK Nagar ESIC Medical & Hospital, Chennai, Tamilnadu,

10. Dr Rahul Kumar Sharma S/o Sh. Ram Kumar, aged about 28 years, (Group-A), r/o H. No. B-21, Street No. 9, Panchal Vihar, Karawal Nagar, North East Delhi, Delhi-110094, presently working at ESIC Hospital, Rawabhata, Chhatisgarh,

11. Dr Savita Meena, d/o Sh. Jagdish Prasad Meena, aged about 28 years, (Group-A), r/o Theekariya, Dausa, Thikriya, Rajasthan-303509, presently working at ESIC Dental college & Hospital, Kalburgi-585106,

12. Dr Deepali Nayar, d/o Shri Ashwani Nayar, aged about 28 years, (Group-A), r/o D-1068, New Friends Colony, New Delhi-110025, presently working at ESIC emergency Hospital, Okhla Phase-I, New Delhi-110020.

...Applicants

(By Advocate: Mr. Deepak Bansal)



### Versus

1. Union of India  
Through The Secretary  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg, New Delhi-110011
2. Director General, ESIC Headquarters' Office  
Panchdeep Bhavan, C.I.G Road, New Delhi-110002
3. The Dean, ESIC Dental College and Hospital,  
Sector 15, Rohini, Delhi 110089

...Respondents

(By Advocate : Mr. S.N. Verma, Mr. Amit Chawla)

### **OA No. 2762/2024**

1. Dr Ankit Sharma s/o Sh. Mukesh Sharma, aged about 28 years, (Group-A), r/o A-50, Sidhatri Enclave, Mohan Garden, Delhi-110059, presently working at ESIC Dental College, Kalaburagi,
2. Dr Monika Mittal, d/o Shri Prem Chand Mittal, aged about 25 years, (Group-A), r/o H No. 21, 2nd Floor, Ashok Park Main, Delhi-110035, presently working at ESIC Model Hospital & PGIMSR, Basaidarapur, New Delhi,
3. Dr Shruti Singhal, d/o Shri Pankaj Kumar Singhal, aged about 25 years, (Group-A), r/o B-69, Gali No. 53, Near Mother Dairy School Road, Uttam Nagar, Delhi- 110059, presently working at ESIC Hospital, Basaidarapur, Delhi-110015
4. Dr Alice Gupta w/o Sh. Deeksliant Aggarwal, aged about 26 years, (Group-A), r/o F-26, East Jyoti Nagar, Shahdara, Delhi-110095, presently working at ESI Hospital, Jhilmil, Delhi-110095,
5. Dr Vivek Kumar, s/o Shri Jai Prakash Prasad, aged about 26 years, (Group-A), r/o B-270, Gali No. 28, Mahavir Enclave Part 2, New Delhi-110059, presently working at ESIC Hospital & Medical College, Alwar, Rajasthan,



6. Dr Ankita D/o Sh. Harpal Singh, aged about 26 years, (Group-A), r/o 13-D, Janyug Apartments, Sector 14, Rohini, Delhi-110085, presently working at ESIC Emergency Hospital, Okhla, Phase-1. Delhi-110020,

7. Dr Ananya G Dhabale d/o Sh. Gurulingappa, aged about 25 years, (Group-A), r/o Toglur, Bidar, Karnataka-585327, presently working at ESIC Dental College, Kalaburagi,

8. Dr Anjana George d/o Sh. George V, aged about 25 years, (Group-A), Alwin Villa, Palace Nagar 151B Thevally Kollam, Kerala-691009, presently working at ESIC Medical College & Hospital, KK Nagar, Chennai,

9. Dr Anjali S Kumar d/o Sh. Anil Kumar, aged about 26 years, (Group-A), r/o Uthradam ARA 112, Mundakkal PO, Kollam, Kerala-691001, presently working at ESIC Model and Super Specialty Hospital, Asramam, Kollam, Kerala,

10. Dr Ayushi Agarwal, D/o Sh. Niraj Kumar Agarwal, aged about 25 years, (Group-A), r/o H No. 326, Near Kargil Chowk, Sunder Nagar, Raipur, Chattisgarh- 492013, presently working at ESIC Medical and Hospital, Faridabad, Haryana,

11. Dr Abhirami NS D/o Sh. Narayanan K, aged about 26 years, (Group-A), r/o Harisree House, Panthalayani, Koyilandy, Kozikode, Kerala-673305, presently working at ESIC Model Hospital, Rajaji Nagar, Bangalore-560010,

12. Dr Anuj Chauhan, s/o Sh. Ram Kishan Chauhan, aged about 28 years, (Group-A), r/o D-11/2, gali No. 1, Chand Bagh, Karwal Nagar, Delhi-110094, presently working at ESIC Hospital, Angul, Odisha,

13. Dr Arpit Bhatt S/o Sh. Anupam Bhatt, aged about 25 years, (Group-A), r/o 365, Ri Ji Ka Gher, Chandi Ki Taksal, Jaipur, presently working at ESIC Hospital, Bikaner, Rajasthan,

14. Dr Harsh Tripathi, s/o Sh. Ravi Shanker Tripathi, aged about 25 years, (Group-A), r/o 28A, Saraswan Bainti Kala,



Ayodhya, UP, presently working at ESIC Dental College, Kalaburagi,

15. Dr Lijina Pavithran, d/o Shri B Pavithran, aged about 26 years, (Group-A), r/o Pranavam, Parappool, Ariyil Po, Taliparamba, Kannur, Kerala-670143, presently working at ESIC Model Hospital, Rajaji Nagar, Bangalore-560010,

16. Dr Md Aboobakar Siddiq, s/o Shri Ibrahim, aged about 24 years, (Group-A), r/o # C & F Qtrs, Hutti, Camp Hutti, Medinapur, Raichur, presently working at ESIC Medical College &, Santanagar, Hyderabad,

17. Dr Mahesh, s/o Shri Lachchu, aged about 25 years, (Group-A), r/o Lachchu House Gogihal, Post Sathkhed TQ Jewargi sathkhed, Kalburgi-585310, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

18. Dr Mehvin Iqra, d/o Shri Mohammed Iqbal Munshi, aged about 24 years, (Group-A), r/o H No. 601/126/A/25, GDA Layout Sangatraswadi, Kalaburagi, Karnatka 585104, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

19. Dr Nayna Krishnan MB, d/o Shri NM Balakrishnan, aged about 25 years, (Group-A), r/o Maridula Nivas, Andhakaranazhy, PO Cherthala, Alapuzha, Kerala 688531, presently working at ESIC Model and Super Specialty Hospital, Asramam, Kollam, Kerala,

20. Dr Veerabhadra, s/o Shri Mallikarjun, aged about 25 years, (Group-A), r/o Mallikarjun, 166, Near Anjeneya Temple Wadloor- Raichur Yeganur-584134 presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

21. Dr Shrishail, s/o Shri Gurunath Sheshagiri, aged about 25 years, (Group-A), r/o Gurunath Sheshagiri, H. No. E/1 Neramaramma temple Mangal Bazar Hasanpur Yadgir-585220, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

22. Dr Saba Mahreen Darvesh, d/o Shri Md Tayyab Ali, aged about 25 years, (Group-A), r/o 5-470/15/29, Behind





Grand Heights Complex, Near Banduqwala Weight Bridge, Millatnagar, Ring Road, Kalaburagi, Karnatka, 585104, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

23. Dr Swathi G Uppaladinni, s/o Shri Gurappa Uppaladinni, aged about 24 years, (Group-A), r/o #100/B1 Pallatti Nilaya Road, Chelekere, Bangalore North, Bangalore 560043, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

24. Dr Vaishnavi, d/o Shri Ramesh Bagawe, aged about 24 years, (Group-A), r/o Gorchincholi TQ Bhalki Distt Bidar, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

25. Dr Tejaswini Anant Raykar, d/o Shri Anant Raykar, aged about 24 years, (Group-A), r/o Ram Kamal, Adarsh Nagar 2nd Cross College Road, Sirsi Tq Sirsi, Distt Uttara Kannada, presently working at ESIC Dental College & Hospital, Kalaburagi-585310,

26. Dr Meghana Mahantesh Chandargi, d/o Shri Mahantesh, aged about 24 years, (Group-A), r/o H No 9, Mayur Nagar, Anand Nagar, Hubli old, Dharwad, Karnatka 580024, presently working at ESIC Denta College & Hospital, Kalaburagi-585310,

27. Dr Soumya, d/o Shri Ashok Barma, aged about 24 years, (Group-A), r/o Anandwadi Bhalki Bidar, Karnatka 585328, presently working at ESIC Dental College, Kalaburagi-585310,

28. Dr Sugnik Saha, s/o Shri Manik Saha, aged about 26 years, (Group-A), r/o Jogipara, Rahara, Khardah, North 24 Parganas, WB-700118, presently working at ESIC Dental College, Kalaburagi-585310,

29. Dr Monica Gupta, d/o Shri Hukum Chandra Gupta, aged about 27 years, (Group-A). r/o 124B/845 DBS Road, Govind Nagar, Kanpur Nagar UP-208006, presently working at ESIC Hospital, Jajmau, Kanpur Nagar, UP,



30. Dr G Ramya, d/o Shri Prakash, aged about 24 years, (Group-A), r/o H No 5-5-377/200, Nazarath Colony Hossalli Cross Yadgiri, Tq & Dist Yadgiri, presently working at ESIC MCH Santhanagar, Hyderabad,

31. Dr Natasha Tiwari, d/o Shri Dinesh Tiwari, aged about 25 years, (Group-A), r/o H No 4-4-226, Inder Bagh, Sultan Bazar, Koti, Hyderabad-500095, presently working at ESIC MCH Santhanagar, Hyderabad,

32. Dr Ankur, s/o Shri Lal Singh, aged about 25 years, (Group-A), r/o Village & PO Gagol, Distt Meerut, UP-245206, presently working at ESIC Hospital, Vapi, Distt Valsad, Gujrat

33. Dr Salman Kazi, s/o Shri Mohd Iqbal, aged about 25 years, (Group-A), r/o Halagoda Galli, Talikot, Bijapur, Karnataka-586214, presently working at ESIC Dental College, Kalaburagi-585310,

34. Dr Anuragini Kumari, d/o Shri Shyam Narayan Tiwary, aged about 29 years, (Group-A), r/o H No. 528, Road No.-02, Gandhi Lane, Panchsheel Nagar, Takiyapar, Danapur, Patna-800012, presently working at ESIC MCH, Bhita, Patna,

35. Dr Fathima Sheha Sharif, d/o Shri Umar Shareef PP, aged about 26 years, (Group-A), r/o Haseena Manzil, 13/1181, Kuttichira, Head PO Kozhikode, Kerala-673001, presently working at ESICH, Ezhukone, Kollam, Kerala,

...Applicants

(By Advocate: Mr. Deepak Bansal)

### **Versus**

1. Union of India  
Through the Secretary,  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg, New Delhi – 110011
2. Director General, ESIC Headquarters' Office  
Panchdeep Bhavan, C.I.G Road, New Delhi-110002



3. The Dean ESIC Dental College and Hospital.  
Sector 15, Rohini, Delhi 110089
4. The Dean ESIC Dental College, Gulbarga,  
Karnatka-585106

...Respondents

(By Advocate : Mr. S.N. Verma, Mr. Amit Chawla, Ms. Namrata, Ms. Anupam Mishra for Mr. Jagdish Chandra)

**OA No. 2311/2024**

1. Dr Barun Kumar Singh s/o Sh. Prabhu Narayan Singh, aged about 27 years, (Group-A), r/o A3/12, 2nd Floor, Pocket 3 Block A, Near Om Homeo Pharmacy, Rohini, Sector-11, North West Delhi-110085, presently working at ESIC Dental college & Hospital, Rohini, Delhi,
2. Dr Sachin s/o Sh. Sudesh Kumar, aged about 27 years, (Group-A), r/o H. No. 63, Street No. 1, Village Biharipur, North East Delhi-110094, presently working at ESIC Dental college & Hospital, Rohini, Delhi,
3. Dr Sonam Kumari d/o Sh. Ramesh Kumar Jha, aged about 25 years, (Group-A), r/o P-272/273. P Block Extension, Near Budh Bazar Road, Mohan Garden, Uttam Nagar, Delhi-110059, Delhi-110018, presently working at ESIC Dental college & Hospital, Rohini, Delhi,
4. Dr Akansha Malik d/o Sh. Rajender Singh, aged about 27 years, (Group-A), r/o A-Block, Gali No. 3, House No. 72, Panchal Vihar, Karawal Nagar, Delhi- 110094, presently working at ESIC Medical and Dental Hospital, Kalaburgi,
5. Dr Shweta Jareda, D/o Sh. Babu Lal Meena, aged about 26 years, (Group-A), r/o Village Jahira, Tehsil Bamanwas, District Gangapur City, Rajasthan-322211, presently working at ESIC Medical and Dental Hospital, Kalaburgi,
6. Dr Shayeestah Ejaz D/o Sh. Md Ejazur Rahman, aged about 26 years, (Group-A), r/o RZ-250B, SadhNagar, Palam Colony, Delhi-110045, presently working at ESIC Emergency Hospital, Okhla, Phase-1, Delhi-110020,





7. Dr Archana Malik, D/o Sh. Sahdev Malik, aged about 28 years, (Group-A), r/o C-115A, Amar Colony, East Gokulpur, Delhi-110094, presently working at ESIC Emergency Hospital, Okhla, Phase-1, Delhi-110020,

8. Dr Jaya Malhotra S/o Sh. Sanjay Kumar Malhotra, aged about 28 years, (Group-A), r/o H. No. 71, 2nd Floor, Indra Vihar, Mukherjee Nagar, Delhi-110009, presently working at ESIC Model Hospital, Bharatnagar, Ludhiana- 141001,

9 Dr. Nidhi Gupta, d/o Sh. Sanjeev Gupta, aged about 27 years, (Group-A), r/o B-7/174, Sector-4, Rohini, Delhi-110085, presently working at ESIC Dental college & Hospital, Rohini, Delhi,

10. Dr Shivani Singh, d/o Shri Sumer Singh, aged about 27 years, (Group-A), r/o H. No. 448, Jat Chowk, Nangloi, New Delhi-110041, presently working at ESIC Dental college & Hospital, Rohini, Delhi,

11. Dr Saloni Verma, d/o Shri Ajay Kumar Verma, aged about 26 years, (Group-A), r/o Flat No. 9, Sudershan Appartments, I.P.Extension, Patparganj, Delhi-110092, presently working at ESIC Hospital, Jhilmil, Delhi- 110095,

12. Dr Lakshita Singh, d/o Shri Kanwar Pal Singh, aged about 28 years, (Group-A), r/o 601, D2B, Golf Links Residency, Sector 18 B, Dwarka, Delhi-110078, presently working at ESIC Model Hospital, Gurugram, Haryana,

13. Dr Priyanka Verma, d/o Shri Vinod Verma, aged about 27 years, (Group-A), r/o B-140, Rama Park, Uttam Nagar, Delhi, presently working at ESIC Model Hospital, Jaipur, Rajasthan,

14. Dr Sundram Kumar Budholiya, d/o Shri Mahesh Prasad, aged about 28 years, (Group-A), r/o 28-B, CPED Colony, Vasant Vihar, Delhi-110057, presently working at ESIC SSH Sanath Nagar, Hyderabad,

15. Dr Tannu Singh, d/o Shri Mahender Kumar, aged about 27 years, (Group-A), rr/o H No. 363, Katwaria Sarai, Delhi, presently working at ESIC Hospital, Sahibabad, UP-201005,



16. Dr Renu, d/o Shri Ram Sagar, aged about 27 years, (Group-A), r/o C-1/128-F, Vinod Puri, Vijay Enclave, Delhi-110045, presently working at ESIC Model Hospital, Indore, MP,

17. Dr Riya Jaspal, d/o Shri Mehar Singh, aged about 26 years, (Group-A), r/o Flat No. 12-A, Pink Apartments, Sector 1-A, Dwarka, Delhi-110078, presently working at ESI-PGIMSR, ESIC Medical College & Hospital, Joka, WB,

18. Dr Ankit Yadav, s/o Shri Sunil Kumar, aged about 29 years, (Group-A), r/o H No. 59, Narela Road, Bawana, Delhi-110039, presently working at ESIC Dental College & Hospital, Rohini, Delhi-110089,

19. Dr Saurabh Kumar Jha, s/o Shri Raghu Nath Jha, aged about 31 years, (Group-A), r/o D-2/269, Saurabh Vihar, Hari Nagar Extn, Badarpur, New Delhi-110044, presently working at ESIC Model Hospital, Beltola, Guwahati, Assam-781028

...Applicants

(By Advocate: Mr. Deepak Bansal)

**versus**

1. Union of India  
Through The Secretary  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg, New Delhi-110011
2. Director General, ESIC  
Headquarters' Office Panchdeep Bhavan,  
C.I.G Road, New Delhi-110002
3. The Dean, ESIC Dental College and Hospital.  
Sector 15, Rohini, Delhi 110089

...Respondents

(By Advocate: Mr. S.N. Verma, Mr. Amit Chawla, Mr. Saeed Qadri for Mr. Tamim Qadri)

**ORDER (ORAL)****Hon'ble Mrs. Pratima K. Gupta, Member (J):**

Since reliefs sought in the OAs are identical to each other, common order is passed in all the three OAs. OA No. 2311/2024 will be the lead case.

2. The applicants joined Employees State Insurance Corporation (ESIC) Dental College and Hospital, Rohini, Delhi as Undergraduate BDS students (Batches 2014-19, 2015-20, 2016-21 and 2017-22). At the time of admission, the applicants were made to sign the bond, wherein the Corporation agreed to incur the expenses for education of the applicants and in lieu of the same, the applicants were expected to serve the ESIC for a period of five years in any of the Institutions under the Corporation anywhere in the country if the Corporation required their services, subject to certain terms and conditions, further in case the applicants failed to fulfil the conditions of bond, they would be liable to pay Rs. 7,50,000/- along with 15% interest as fixed by the Corporation. However, neither the respondents sought the services of the applicants nor did the applicants showed their desire to serve the respondents and some of



the applicants proceeded for their higher studies and others to serve at different set ups in the country.

3. In the interregnum, on 02.02.2018, the respondents came up with the revised instructions placed at Page No.95 reducing the term of bond from five years to three years. These instructions were once again revised by the respondents on 28.07.2020, wherein duration of bond was further reduced to one year and the same was to take effect prospectively. The applicants received communication on 03.08.2023, whereby the services of the applicants were sought by the respondents in terms of the revised bond for a period of one year and in pursuance of the said communication, the applicants joined the services of the respondents and continue to serve the respondents till date. The applicants joined on different dates in pursuance of communication dated 03.08.2023.

4. Learned counsel for the applicant submits that the duration of one year is coming to an end and, therefore, the applicants sought extension of period, beyond the period of one year in terms of the original bond by way of preferring representation/legal notice dated 20.11.2023, served upon



the respondents on 14.02.2024, since the same were not responded, these three OAs have been filed by the applicants seeking the following reliefs:-

*“(a). Quash the impugned order Memo No. L-11/12/3/2014/DC-Rohini/MEC(PF) dated 30.03.2021 (Annexure A-1) issued by the respondent no.2.*

*(b) Direct the respondent no. 2 and 3 to permit the applicants to serve their full tenure of 5 years in terms of the bond conditions as laid down vide Memo No. L-11/12/3/2017/ESIC-JR/MEC dated 02.02.2018 Annexure A-3.*

*(c) Restrain the respondents, either by themselves or through their agents or servants, by a order of injunction from taking any steps pursuant to or in execution of the impugned order Memo No. L-11/12/3/2014/DC-Rohini/MEC(PF) dated 30.03.2021 (Annexure A-1) issued by the respondent no.2.*

*(d) Quash the clause 3 & 4 of impugned order Memo No.L-11/12/3/BDS/2021-MEC-Part(1)2014/DC-Rohini/MEC(PF) dated 12.09.2023 (Annexure A-2) issued by the respondent no.2*

*(e) Any other relief which this Hon'ble court may deem fit and proper in the facts and circumstances of the present case.”*

5. Learned counsel for the applicants submits that since the applicant had joined the Corporation at the relevant time, a bond was signed by them to serve the respondents for five years. Accordingly, the respondents were obliged to allow the applicants to continue for a period of five years in terms of the original bond. He confirms that the applicants neither persuaded the respondents, during the





interregnum to allow them to work in terms of bond after completion of undergraduate course nor did the corporation seek their services. He submits that in terms of the bond itself, as and when the Corporation sought their services, the applicants should be allowed to continue to work for a period of five or at least three years in terms of the revised guidelines issued on 02.02.2018. He draws strength from the interim order dated 26.06.2024 passed by Ahmedabad Bench of this Tribunal in OA No. 180/2024 and also the order/judgment dated 29.07.2024 passed by Ernakulam Bench of this Tribunal in OA No. 374/2024.

6. Learned counsel for the respondents vehemently opposes the OA. He raises a preliminary objection by stating that the applicant's original bond was issued when they have joined the Corporation to pursue the undergraduate degree. Therefore, the present OAs may not be within the jurisdiction. However, drawing attention to the impugned order/Memorandum dated 30.03.2021 assailed in the OA , he submits that this communication itself pertains to Revision of Bond conditions in respect of undergraduate (MBBS/BDS) students of ESIC Medical/Dental Colleges. At the relevant point of time when



the applicants signed the bond, they were obliged to serve the respondents for five years. In the interregnum, the revised bond conditions were issued on 02.02.2018. Therefore, according to learned counsel for the applicants, revised bond conditions would be applicable to the applicants.

7. Heard learned counsel for the parties.

8. The matter was listed for consideration on grant of interim relief to the applicants. However, with the consent of learned counsel for the parties, it was heard finally for disposal of the matter.

9. The learned counsel for the respondents, has raised a preliminary objection on maintainability of the OAs. He submitted that since the applicants were students and the students were seeking benefit of the service bond signed by them, the Tribunal may not have jurisdiction to entertain the present OAs. We are of the considered opinion that at the relevant point of time, the applicants signed the bond as students, today the issue before us is that the applicants have been extended appointment after 05.08.2022 as junior residents.



10. The applicants joined the Corporation as students to pursue the undergraduate course and at the relevant point of time, the applicants signed the bond, to serve the respondents for five years, in view of the expenses made by the Corporation to fund their education and in case, the applicants did not serve the respondents for five years, they were liable to pay an amount of Rs. 7,50,000/-. It is submitted in OA No. 750/2024, neither the applicants approached the respondents to confirm if their services were needed nor did the respondents seek the services of the applicants, therefore they proceeded to pursue their Master Degree. It is also submitted that legal notice has been responded to by the respondents and the same has been assailed by the applicants in the OA 750/2024.

11. We have perused the bond signed by the applicants, In terms of the same, the respondents were obliged to seek the services of the applicants, if required that is to say need basis. Evidently, the respondents did not require the services of the applicants at the relevant point of time and therefore, the applicants did not serve the respondents. During the interregnum, the tenure of the service bond has been reduced considerably from five years to three years



and thereafter to one year. Only after the revised instructions were issued, the respondents sought the services of the applicants. It is clarified that the applicants' services were sought on 05.08.2023 and by then, the Corporation had issued revised instructions with respect to bond period to one year and the applicants have joined on different dates in pursuance of offer extended to them after 05.08.2023. Since the revised conditions dated 28.07.2020 were operative, when the applicants joined, according to us, they were obliged to serve only for about one year.

12. Learned counsel for the applicants has submitted that the applicants have not signed any new bond in pursuance to their employment offered on 05.08.2022. Be that as it may, the instructions changed in the interregnum, the service bond signed by the applicants at the relevant point of time ceases to exist after the expiry of five years and the same was not operated upon by both the respondents and the applicants.

13. In view of the revised bond conditions, the tenure has been reduced from 5 years to 3 years and thereafter, to one year and even the bond money has been reduced from



Rs. 7,50,000/- to Rs.5,00,000/- and once the applicants have served for one year, they are relieved from the obligation to pay bond money of Rs. 5,00,000/- to the respondents. In case they chose not to serve the respondents, the applicants would have paid the bond money of Rs. 5,00,000/- to the respondents.

13. Learned counsel for the respondents also relies upon the judgement passed by the Hon'ble Supreme Court in ***Hemant Kumar Verma vs. Employees State Insurance Corporation*** in W.P. (C) No. 444/2022 dated 22.07.2022, wherein para 10 reads as under:-

*"10. On the above premises, there is a clear distinction in law between junior resident doctors and regularly recruited ESIC doctors. The in-service quota is, therefore, justifiably made available to the latter category. The petitioners cannot claim parity with regularly recruited insurance medical officers in seeking the benefit of the in-service quota.*

*11. For the above reasons, we find no merit in the petition. The petition is, accordingly, dismissed."*

14. With respect to the orders passed by different coordinate benches of this Tribunal relied upon by the applicant, are orders on interim relief and they may not be binding on us, whereas the present OAs are decided finally. In view of the judgement passed by the Hon'ble Apex Court





in the matter of ***Hemant Kumar Verma*** (supra), all the three OAs are dismissed devoid of merit. Pending MAs, if any, also stand disposed of accordingly. No order as to costs.

**(Rajinder Kashyap)**  
**Member (A)**

**(Pratima K. Gupta)**  
**Member (J)**

/akshaya/