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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Reserved on: 24th April, 2026****Pronounced on: 28th April, 2026**+ **W.P.(C) 10816/2024**

**EMPLOYEES STATE INSURANCE CORPORATION,
THROUGH ITS DIRECTOR GENERAL, PANCHDEEP
BHAWAN, COMPRADE INDRAJEET GUPTA MARG,
NEW DELHI-110002**

Email: dir-gen@esic.nic.in

.....**PETITIONER**

Through: Mr. Siddharth Dias, Standing Counsel
with Mr. Prakhar Kumar Shastri,
Advts.

versus

1. **ESIC MEDICAL OFFICERS ASSOCIATION (REGD.)
THROUGH ITS SECRETARY DR. M.D. MOZAFFAR UDDIN
D-1/1, 2ND FLOOR, MODEL TOWN- III, DELHI-110009
MOBILE: 8130755111**

Email: admin@esicmoa.com

.....**RESPONDENT NO. 1**

2. **DR. MD. MOZAFFAR-UDDIN,
S/O. LATE SH. SYED ZIYAUDDIN.
R/O. 225, STREET NO. 5, JAGATPUR, DELHI –110084**

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.....**RESPONDENT NO. 2**

3. **DR. VIKAS KUMAR CHOUDHARY,
S/O. SH. CHANDRA DHAN CHOUDHARY
R/O. PLOT NO. 95, POCKET-11, SECTOR-24,
ROHINI, DELHI – 110085**

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.....**RESPONDENT NO. 3**



4. SECRETARY M/O LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI-110001

Email: uoidhc@gmail.com

.....RESPONDENT NO. 4

Through:

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT

AJAY DIGPAUL, J.

CM APPL. 23409/2026 (Clarification of order dated 06.08.2024)

1. The present application has been filed by the Employees' State Insurance Corporation¹ in disposed of W.P.(C) 10816/2024, seeking clarification of the judgment dated 06.08.2024 passed by this Court.
2. The writ petition arose out of O.A. No. 688/2022 filed by the ESIC Medical Officers Association before the learned Central Administrative Tribunal, Principal Bench, New Delhi². The controversy therein related to reimbursement of residential telephone/mobile/broadband charges to ESIC medical officers in terms of the Office Memorandum³ dated 26.03.2018 issued by the Ministry of Finance, Department of Expenditure.
3. The grievance of the Association before CAT was that ESIC, by Circular dated 28.05.2021, had restricted the benefit of reimbursement to medical officers working on administrative posts and had excluded medical

¹ Hereinafter "ESIC"

² Hereinafter "CAT"

³ Hereinafter "OM"



officers working on non-administrative posts. By order dated 18.09.2023, CAT quashed the said circular to that extent and directed ESIC to extend the benefit of reimbursement to all medical officers in accordance with the OM dated 26.03.2018.

4. ESIC challenged the order dated 18.09.2023 before this Court in W.P.(C) 10816/2024. By judgment dated 06.08.2024, this Court dismissed the writ petition and upheld the order passed by CAT. This Court held that the OM dated 26.03.2018 did not make any distinction between medical and non-medical officers, or between officers performing administrative and medical duties, for the purpose of reimbursement of residential telephone facilities.

5. While dismissing the writ petition, this Court directed ESIC to reimburse the amount of telephone call charges with interest at the rate of 6% per annum from 26.03.2018 till the date of payment to all ESIC medical officers within four weeks.

6. After the passing of the judgment dated 06.08.2024, the ESIC Medical Officers Association filed *CONT.CAS(C) 1937/2024* alleging non-compliance of the said judgment. According to ESIC, it thereafter issued Circular dated 27.01.2025 undertaking compliance with the judgment dated 06.08.2024 and extending the benefit of reimbursement of residential telephone/broadband/mobile/data card charges to all eligible medical officers working on administrative as well as non-administrative posts, in terms of the ESIC Circular dated 25.09.2020. It is further stated that ESIC filed status reports from time to time in the contempt proceedings.

7. In the present application, ESIC states that certain difficulties arose in implementing the judgment dated 06.08.2024 in relation to claims for



arrears for the period 26.03.2018 to 24.09.2020. ESIC's stated position is that the Department of Expenditure's OM dated 26.03.2018 was formally adopted by ESIC only with effect from 25.09.2020 by issuance of its Circular dated 25.09.2020, and that prior to 24.09.2020, no ESIC employee was extended the benefit of the said OM.

8. ESIC further states that, upon issuance of the Circular dated 25.09.2020, the concerned ESIC officers became entitled to reimbursement in accordance with the rates specified in the Department of Expenditure's OM dated 26.03.2018, subject to the conditions provided therein. According to ESIC, the enhanced reimbursement was extended to eligible ESIC employees, including medical officers, with effect from 25.09.2020, i.e. the date on which ESIC formally adopted the OM.

9. In the course of the contempt proceedings, ESIC filed **CM APPL. 4031/2026** before the learned Single Judge seeking clarification/directions to the effect that arrears along with interest were required to be paid to eligible officers from 25.09.2020 and not from 26.03.2018. By order dated 28.01.2026, the learned Single Judge observed that the contempt court could not issue clarifications with respect to the judgment passed by the Division Bench and permitted ESIC to withdraw the said application with liberty to move an appropriate application in the disposed of writ petition.

10. Pursuant to the liberty granted by the learned Single Judge, ESIC has filed the present application under Section 151 of the Code of Civil Procedure, 1908, seeking appropriate clarification and directions. The prayer in the application is for clarification that ESIC is liable to grant arrears of reimbursement of telephone charges, along with interest, to medical officers on non-administrative posts as per the ESIC Circular dated 25.09.2020 w.e.f.



25.09.2020, being the date on which the OM dated 26.03.2018 was formally adopted by ESIC.

Submissions made by ESIC/applicant

11. Mr. Siddharth Dias, learned Standing Counsel appearing for the ESIC submits that the present application has been filed only for a limited clarification in respect of the judgment dated 06.08.2024 passed in W.P.(C) 10816/2024. It is submitted that the ESIC is not seeking to reopen the merits of the controversy decided by this Court, and has already taken steps to comply with the directions issued by this Court by extending the benefit of reimbursement to eligible medical officers, including those working on non-administrative posts.

12. It is submitted that the difficulty has arisen only with respect to the period from 26.03.2018 to 24.09.2020. According to the petitioner, although the Department of Expenditure issued the concerned OM on 26.03.2018, the said OM was formally adopted by ESIC only by Circular dated 25.09.2020. The petitioner, therefore, submits that the enhanced reimbursement under the said OM became applicable within ESIC only w.e.f. 25.09.2020 and not from 26.03.2018.

13. It is further submitted that prior to 25.09.2020, no ESIC employee, including medical officers working on administrative posts, was receiving enhanced reimbursement in terms of the Department of Expenditure's OM dated 26.03.2018. The petitioner states that ESIC had its own internal policy for reimbursement, and the enhanced reimbursement in terms of the OM dated 26.03.2018 commenced only when ESIC formally adopted the same on 25.09.2020.



14. Learned Counsel submits that the respondents/medical officers are now claiming arrears along with interest from 26.03.2018, whereas ESIC's ERP portal enables submission and processing of claims, including arrears and interest, w.e.f. 25.09.2020, being the date of formal adoption of the OM. It is contended that claims for the prior period from 26.03.2018 to 24.09.2020 have created legal and administrative difficulties in implementation of the judgment dated 06.08.2024.

15. It is also submitted that if medical officers working on non-administrative posts are granted enhanced reimbursement from 26.03.2018, it would create an anomalous situation, since other eligible ESIC employees received the benefit only from the date of adoption of the OM by ESIC. The petitioner contends that such a position would result in disparity between the date of adoption and the date of implementation of the enhanced reimbursement scheme.

16. In these circumstances, the petitioner prays that it be clarified that ESIC is liable to grant arrears of reimbursement of telephone charges, along with interest, to medical officers on non-administrative posts in terms of the ESIC Circular dated 25.09.2020, w.e.f. 25.09.2020, being the date on which the OM dated 26.03.2018 was formally adopted by ESIC.

Analysis and Conclusion

17. This Court has heard learned Standing Counsel for ESIC and also perused the relevant documents on record. The issue canvassed before us is whether ESIC is liable to grant arrears of telephone reimbursement with interest to medical officers on non-administrative posts from 26.03.2018, as



directed by this Court, or only from 25.09.2020, being the date on which ESIC claims to have formally adopted the OM dated 26.03.2018.

18. The main submission is that implementation of the direction from 26.03.2018 would create an anomalous position within ESIC, since the enhanced reimbursement under the OM dated 26.03.2018 was, according to ESIC, extended to all other eligible employees only from 25.09.2020, i.e., the date on which ESIC formally adopted the said OM.

19. This Court is not persuaded to grant the clarification sought in the present application. In fact, the prayer in substance sought is an attempt to seek a modification of the judgment dated 06.08.2024.

20. By the said judgment, this Court had already considered the controversy arising from the OM dated 26.03.2018 and the subsequent ESIC Circular dated 28.05.2021. This Court, while upholding the order passed by the CAT, had categorically directed ESIC to reimburse the amount of telephone call charges with interest at the rate of 6% per annum from 26.03.2018 till the date of payment to all ESIC medical officers.

21. The applicant now seeks to contend that the liability to reimburse arrears should run only from 25.09.2020, being the date on which ESIC claims to have formally adopted the OM dated 26.03.2018. This submission cannot be accepted at this stage. The plea that ESIC adopted the OM belatedly, or that such belated adoption would restrict the entitlement of medical officers, cannot be used to dilute or alter the direction already issued by this Court.

22. The submission that implementation of the judgment from 26.03.2018 may create an anomaly or disparity with other eligible ESIC employees is also of no help to the applicant. If any consequence flows from ESIC's own



delayed adoption or implementation of the OM, the same cannot furnish a ground for this Court to re-write, curtail or postpone the relief already granted in the judgment dated 06.08.2024.

23. This Court is also of the view that the grounds now urged by the applicant cannot be canvassed in the present application. The judgment dated 06.08.2024 finally adjudicated the controversy and issued a clear direction as to the date from which reimbursement with interest was payable.

24. If the applicant was aggrieved by the said direction, the proper remedy was to challenge the judgment in accordance with law, and not to seek, by way of the present application, a substantive alteration of the judgment.

25. Accordingly, this Court finds no reason to interfere with to modify or clarify the judgment dated 06.08.2024 in the manner sought by the applicant.

26. The present application is, therefore, dismissed.

**AJAY DIGPAUL
(JUDGE)**

**NITIN WASUDEO SAMBRE
(JUDGE)**

APRIL 28, 2026/ar/yr