

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/139/2016

DATE OF ORDER: 10.12.2019

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Teeka Ram Meena son of Harsahay Meena, aged around 43 years, resident of 119, Bhagwati Nagar, Jaipur. Presently working as Assistant in the Employees State Insurance Corporation, Bhawani Sing Marg, Jaipur.

....Applicant

Mr. Amit Mathur, counsel for applicant.

VERSUS

1. The Regional Director, Employees State Insurance Corporation, Panchdeep Bhawan, Bhawani Sing Road, Jaipur.

....Respondent

Mr. T.P. Sharma, counsel for respondent.

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

Aggrieved by an order dated 17th January, 2013 (Annexure A/2), the applicant preferred Original Application No. 291/37/2014 before this Tribunal. The said Original Application was dismissed by this Tribunal vide order dated 08.01.2015 being premature as the applicant had failed to avail the remedy of appeal against the order dated 17.01.2013 as per the provisions of Regulation 18 of the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959.

2. Thereafter, the applicant preferred an appeal dated 04.02.2015. Pursuant thereto, the respondent gave a communication dated 20.02.2015 (Annexure A/1) stating therein that the appeal has not been presented within the prescribed period of limitation nor it has been addressed to the appellate authority. Neither any request has been made to forward the said appeal to the Appellate Authority (Headquarters) New Delhi and, therefore, the same cannot be accepted.

3. Aggrieved by the said communication dated 20.02.2015 (Annexure A/1), the applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.

4. Shri Amit Mathur, learned counsel for the applicant submitted that the applicant's aforesaid appeal has been declined by the respondent merely on technicalities without even presenting the same before the Appellate Authority. He further submitted that the applicant had been pursuing his remedy bonafidely before this Tribunal by way of filing O.A. No. 291/37/2014 and the respondent ought to have placed the applicant's appeal before the Appellate Authority for his consideration.

5. Learned counsel for the applicant further submitted that the applicant would be satisfied if a direction is issued to the respondent to forward his appeal to the Appellate Authority (Headquarters), New Delhi enabling him to take a decision over the same in accordance with law. The applicant will also submit a separate application for condonation of delay in filing the said

appeal explaining therein all the facts and circumstances under which delay had accrued in filing the appeal.

6. Keeping in view the afore-stated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

7. Accordingly, the Original Application is disposed of with a direction to the respondent to forward the applicant's appeal dated 04.02.2015 to Appellate Authority (Headquarters), New Delhi, who shall take a decision over the same within a period of three months from the date of receipt of a certified copy of this order. If the applicant submits a separate application for condonation of delay in filing the said appeal within a period of one month from today, the same shall also be considered by the Appellate Authority in accordance with the principles of law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing by the Appellate Authority.

8. Ordered accordingly. No order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER