

**Central Administrative Tribunal
Principal Bench**

OA No.323/2020

New Delhi, this the 5th day of February, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Shri Mahavir Singh Dahiya,
Group 'A' Retired Director ESIC
Age 65 years,
S/o Sh. Lakhi Ram Dahiya,
1102, Trimurti CGHS GH-03,
Sector 39, Gurugram-122003
Haryana.

...Applicant

(By Advocate : Shri Padma Kumar S. with Shri K.K.
Mishra)

Versus

1. Union of India,
Through Secretary,
Ministry of Labour & Chairperson
Standing Committee ESIC,
Shram Shakti Bhawan,
New Delhi-110 001.
2. The Director General,
Employees State Insurance Corporation,
CIG Marg,
New Delhi-110 002.

...Respondents

(By Advocate : Shri Virendra Kumar for Ms. Leelawati
Suman)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant retired as Director in the Employees State Insurance Corporation (ESIC). Disciplinary proceedings were initiated against him by issuing a charge memo dated 30.04.2014, just before his retirement. The applicant denied the charges by submitting his explanation. Not satisfied with that, the Disciplinary Authority appointed the Inquiry Officer. Through his report dated 08.04.2015, the IO held the charges as proved. A copy thereof was made available to the applicant and on a consideration of the representation made by the applicant, the Disciplinary Authority passed an order dated 10.04.2019, imposing the penalty of 50% cut in pension for a period of five years. The applicant filed review, feeling aggrieved by the order of penalty. The same is said to be pending. This OA is filed challenging the order of penalty dated 10.04.2019, by raising several grounds.

2. We heard Mr. Padma Kumar S., learned counsel for applicant and Shri Virendra Kumar for Mr. Leelawati

Suman, learned counsel for respondents, at the stage of admission.

3. We would have certainly entertained the OA and decided it on merits, but for the fact that the applicant has already availed the effective and alternate remedy of review and the same is pending. The Reviewing Authority is conferred with the powers to examine the matter in detail even on merits and to arrive at his own conclusion.

4. We therefore, dispose of the OA, directing that the review filed by the applicant shall be decided within a period of two months from the date of receipt of a certified copy of this order.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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