

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.574/98

New Delhi: this the 23<sup>rd</sup> day of April, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Sh. N. D. Qureshi,  
S/o Late Shri Hafiz Ziauddin,  
P/o H.No. 30, Park Rd,  
Vikas Marg,  
Delhi- 110092.

..... Applicant.

(By Advocate: Shri T.P.S. Rathor)

Versus

1. Union of India,  
through Secretary,  
Labour, Govt. of India,  
Shram Shakti Bhawan,  
New Delhi - 110001.

2. Director General,  
ESI Corporation,  
Panch Deep Bhawan, Kotla Road,  
New Delhi - 02

..... Respondents.

(By Advocate: Shri G.R. Nayyar)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant seeks implementation of order said to have been passed by Respondent No.1 (UOI through Labour Secretary) on 18.7.94 and contained in para 4.36(a) to (g) of the O.A.

2. Applicant asserts that Respondent No.2 had submitted a note dated 23.5.94 on which the aforementioned order dated 18.7.94 is said to have been passed by Respondent No.1. Respondents deny the existence of any such note and also deny that any such order was passed.

3. Respondent No.2 (D.G. ESIC) in their reply

affidavit dated 11.1.99 have enclosed copies of various communications in regard to applicant's claims from which it is clear that on 25.4.94, 18.7.94 and 24.10.94 the Labour Secretary who was also Chairman, Standing Committee, ESI gave personal hearing to applicant and thereafter reserved his orders. Eventually by letter dated 17.5.95 (Annexure-RIII), the Labour Ministry informed the DG, ESIC that applicant's representation had been considered and there was no case for accepting his representation. Applicant was also informed accordingly vide ESIC letter dated 18.9.95 (Ann.-RIV).

4. In this connection we have perused the relevant notings at pages 33/N, 47-51/N; 62/N and 64-68/N of Labour Ministry's File No. 2-13015/8/91-SS-1 and have satisfied ourselves that applicant's claims were examined more than once by respondent No.1 who found themselves unable to accept the same. Nothing has been shown by applicant to establish that respondent No.1 did indeed pass orders on 18.7.94 as claimed by him in paras 4.36 (a) to (g) of the O.A.

5. The O.A is dismissed. No costs.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

*S. R. Adige*  
(S. R. ADIGE )  
VICE CHAIRMAN (A).

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