

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.123 of 1994

New Delhi this the 7th day of February, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

Smt. Vidyotama
R/o Village-Khera Garhi,
P.O. Khera Kalan,
Delhi-110082.

...Applicant

By Advocate Shri H.L. Bajaj

Versus

1. The Director General,
Employees State Insurance Corporation,
Panchdeep Bhawan,
Kotla Road,
New Delhi.
 2. The Director (Medical)
Delhi ESI hospital Badaidarapur,
Ring Road,
New Delhi.
 3. The Secretary to the Government of India,
Ministry of External Affairs (Maldives),
South Block,
New Delhi.
- ...Respondents

By Advocate Shri G.R. Nayar

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

MA 389 of 1994

On 02.02.94, Shri Nayar, the learned counsel appearing on behalf of respondent Nos. 1 and 2 made a statement that if the Director, ESI, Nodia is impleaded as one of the respondents, he will accept notice on his behalf. This appears to be a formal application. Since Shri Nayar already represents ESI, Noida, the M.A. is allowed.

O.A. 123 of 1994

The applicant secured an appointment in the Indira Gandhi Memorial Hospital (IGMH), Male(Maldives). She came to this Tribunal with the grievance that her present employer, namely, the Director, ECI, Noida is not releasing her.

2. A counter-affidavit has been filed on behalf of respondent Nos. 1 and 2. In paragraph 1 of the counter-affidavit it is stated that ECI Corporation shall release
- 84

the applicant from her present post if she gives an unambiguous undertaking that the leave salary and pension contribution as admissible under the rules shall be paid either by the borrowing department, i.e., Indira Gandhi Memorial Hospital, Male or by the applicant herself for the deputation period of 3 years. In the event of her not giving the undertaking before her release, the deputation period of 3 years shall be treated as dies non.

3. The respondents, therefore, are prepared to release the applicant provided she fulfills the requirements aforementioned. It is for the applicant to choose whether she would like to give an undertaking or not. If she gives an undertaking one consequence will flow. If she does not, the other consequence will flow. If the applicant gives an undertaking, as required, she shall be released within a period of one week from the date of presentation of a certified copy of this order. If the applicant does not give an undertaking, she will still be released and the consequences mentioned in paragraph 1 of the counter-affidavit shall ensue.

4. With these directions, this application is disposed of finally but without any order as to costs.

(B.N. DHOONDIYAL)
MEMBER (A)
07.02.1994

(S.K. DHAON)
VICE CHAIRMAN
07.02.1994

RKS
070294