

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 200/94.

New Delhi, this the Ninth day of March, 1994.

SHRI J.P.SHARMA, MEMBER(J).  
SHRI B.K.SINGH, MEMBER(A).

Shri R.C.Malhotra,  
S/o Shri Inder Raj Malhotra,  
Manager, Employees State Insurance Corporation,  
Local Office, Palam,  
Delhi Cantt.,  
R/o A-74, Brotherhood Apartments,  
H-3, Vikas Puri, New Delhi-18. ...Applicant  
(Through Shri R.K.Kamal, Advocate)

Versus

1. The Director General,  
Employees State Insurance Corporation,  
'Panchdeep Bhawan, Kotla Road, New Delhi.
2. Regional Director, Employees State Insurance  
Corporation, Rajendra Place,  
New Delhi. ...Respondents  
(Through Shri G.R.Nayar, Advocate)

O R D E R (ORAL)

SHRI J.P.SHARMA:

The applicant is working as Manager, Employees State Insurance Corporation (ESIC) in the local office, Palam, Delhi Cantt. The applicant has served for sufficient number of years which qualifies him for getting voluntary retirement from service by giving three months' notice to the appointing authority. The grievance of the applicant is that he gave a notice of voluntary retirement vide his application dated 1-10-93 addressed to Regional Director but his request has not been granted and has been turned down by the order dated

16-12-1993 and 11-1-1994.

2. A notice was issued to the respondents as to why the applicant be not granted the reliefs of quashing these orders of December 1993 and January 1994 and why the prayer of the applicant for grant of voluntary retirement be not ordered to be accepted by the respondents. The applicant also prayed for settlement of his retirement dues expeditiously and if there is delay, award of penal rate of interest on the aforesaid amount.

3. The respondents filed a short reply through their counsel Shri G.R.Nayar in which certain points have been taken that the decision of the appellate authority has yet to be arrived at and the application has been inadvertently considered at the Regional Director level while it should have gone at the level of Director-General, ESIC.

4. From the arguments of the counsel for the respondents, it is evident that the respondents are adopting a co-operative attitude towards the applicant considering that he has put in about 31 years of service and they don't want to delay the disposal of the request of the applicant but the request should have been made to the appointing authority which the learned counsel for the respondents has referred to <sup>as</sup> the Director-General, ESIC.

5. In view of the above facts and circumstances, the application is disposed of at the admission stage itself with the direction that the applicant shall make a fresh application to the respondent, i.e., the appointing authority, the Director-General, ESIC, New Delhi and the Director-General, ESIC shall dispose of the same expeditiously, even earlier to the three months' period, if the applicant so mentions in his application. In any case, the decision should be arrived at with the statutory period <sup>in</sup> ~~from the date of receipt of request of applicant~~ of three months/ failing which law will take its own course.

The counsel for the respondents also has no objection to the status quo being maintained during the period the application is disposed of. In case the said application is favourably considered, the respondents to expeditiously thrash out the settlement dues of the applicant, according to the extant rules.

6. In the event the applicant is aggrieved by any of the subsequent orders passed by the respondents, he shall be at liberty to assail the same, if so advised, according to law. Cost on parties.

  
(B.K. SINGH)  
MEMBER(A)

  
(J.P. SHARMA)  
MEMBER(J)

/KALRA/  
09031994.