

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.418/2020

This the 10th day of November, 2020

**COROM : Hon'ble Shri Jayesh V. Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Shri Ladharam S/o Shri Prabhudas Tulsani
Aged about 63 years,
Residing at L/5/54, Navnirmannagar,
Pragatinagar, Naranpura,
Ahmedabad- 380 013.Applicant

(By Advocate : Mr. Saurabh J. Mehta)

VERSUS

1. The Director General (Vigilance)
Having its office at Headquarter Office
Employee State Insurance Corporation
Panch Deep Bhavan,
Ministry of Labour & Employment, Government of India,
CIG Marg, New Delhi – 11 0001.
2. The Regional Director,
Office of RD ESIC,
Panch Deep Bhavan,
Ministry of Labour & Employment, Government of India,
Ashram Road, Ahmedabad – 380014.
3. The Assistant Director
Office of RD ESIC,
Panch Deep Bhavan,
Ministry of Labour & Employment, Government of India,
Ashram Road, Ahmedabad – 380014..... Respondents

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

Counsel for the applicant, Shri Saurabh J. Mehta submits that the
Disciplinary proceeding was initiated against the applicant, the inquiry

was conducted, however, the same was concluded *ex parte*. Inquiry Officer recorded in its findings that charge leveled against the applicant has been established. Copy of the said Inquiry report was served upon the applicant. Since inquiry was conducted *ex parte*, the applicant has approached this Tribunal by way of filing OA No.243/2019. The said OA was disposed of by this Tribunal taking into account the defence, if submitted by the applicant on the Inquiry report, the same should be considered before taking final decision on the inquiry report. It is stated that pursuant to the said order, the applicant had submitted his detailed representation / defence before the Disciplinary Authority on 30.7.2019 (Annexure A-12). However, till date, neither the representation / defence of the applicant had been considered nor any final order has been passed by the Disciplinary Authority on the inquiry report. Hence, this OA.

2. It is the grievance of the applicant that he is retired employee and his retired due has not been settled due to pendency consideration of the disciplinary proceedings. Therefore, he has no other alternative remedy except to file this OA.

3. After arguing for some time, counsel for the applicant, Shri Saurabh J. Mehta submits that the applicant will be satisfied if appropriate direction be issued to the respondents to consider his representation/defence dated 30.7.2019 (Annexure A-12) and take

appropriate final decision including consequent decision on the conclusion of the departmental inquiry.

4. Considering the aforesaid submission and on perusal of the material on record, we deem it fit to dispose of this OA at the admission stage with a direction to the respondent Nos.1 & 2 to consider and decide the representation/ defence dated 30.07.2019 (Annexure A-12) filed by the applicant and take appropriate consequent decision on the conclusion of the inquiry within sixty days from the date of receipt of a copy of this order and intimate the decision to the applicant herein.

5. In view of the above, the OA stands disposed of.

6. Registry is directed to send copy of this order to the counsel for the applicant through email.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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