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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 62 of 1996

Allahabad this the 25th day of Sep 1996

Hon'ble Dr. R.K. Saxena, Member (JUD.)
Hon'ble Mr. D.S. Baweja, Member (ADMN.)

R.P. Maurya, S/o Late Sri A.P. Maurya, R/o Vill.
and Post Barnao, Distt. Kanpur Dehat.

APPLICANT.

In person

Versus

1. Employees State Insurance Corporation, through the Chairman, Standing Committee of the E.S.I. Corporation, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. Union of India through the Secretary to the Govt. of India, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi.

RESPONDENTS

By Advocate Sri Amit Sthalekar.

O R D E R

By Hon'ble Dr. R.K. Saxena, Member (J)

The applicant-R.P. Maurya has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985. It appears that the applicant has drafted this O.A. himself and has argued the matter himself. It is for this reason that it lacks consistency and coherence. We had given directions to Sri A. Sthalekar to go through the O.A. and the connected papers which have been filed subsequently and to help us.

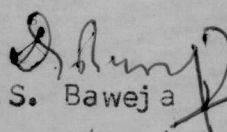
2. What could be ascertained from the

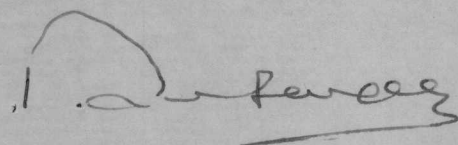
jumble of the facts is that this applicant was serving in Employees State Insurance Corporation as Lower Division Clerk. He was connected with the activities of the Union. He was transferred on 10.4.67 from Gaziabad to Saharanpur. It appears that he went on unauthorised leave. He was, however, relieved from Gaziabad on 11.4.1967. He remained on unauthorised leave upto 26.4.67 when he was placed under suspension. He was served with a charge-sheet and ultimately he was removed from service on 05.3.70. Challenging the order of removal, Civil Suit no. 1513 of 1971 R.P. Maurya Vs. Employees State Insurance Corporation was filed. This suit was decreed on 07.11.73. He then gave charge report but, he was not allowed. The Civil Appeal no. 447 of 1973 was filed before the District Judge. The Ist Civil Judge, Kanpur disposed of the appeal and allowed the same on 28.9.77. Against the order in appeal, the present applicant filed second appeal before the High Court. The said appeal was decided on 23.11.1981 and the matter was remanded to the Ist Appellate Court. The appeal, was, therefore, again heard and was decided on 31.3.1983 by the Second Additional District Judge, Kanpur. This time the appeal against the order of the Munsif in Civil Suit No. 1513/71 was dismissed. It appears that the applicant, before he could join the Corporation, was superannuated on reaching the age of superannuation.

3. After the appeal was dismissed on 31.3.83, the Corporation preferred Second Appeal

before the High Court in which the Corporation was directed to continue pay the salary that may have been admissible to the employee. It appears that the compliance of the Judgment given by the Civil Court, was not done. This applicant had moved the Contempt Petition before the High Court. Before the said Contempt Petition could be ^{decided &} moved, he also instituted proceedings in the Labour Court. Consequently the proceedings on Contempt Petition were dropped and the Labour Court was directed to dispose of the matter at the earliest. It appears that the matter before the Labour Court is still pending. The applicant then preferred this O.A. with the relief that the respondents in this case be directed to make the payment of leave period from 11.4.67 to 26.4.67; to consider the applicant for his promotion w.e.f. 01.7.1981; to notify the date of retirement, and the amount due may be paid alongwith the interest of 12.5%.

4. In view of the facts as are mentioned above, it is clear that the applicant has approached this Tribunal with respect to the old issues which were already decided by the Civil Court and High Court. The execution matter is pending before the Labour Court. In such a situation, this O.A. does not remain maintainable because the same issue cannot be reagitated. The O.A. is, therefore, dismissed. No order as to costs.


(D.S. Baweja)
Member (A)


(Dr. R.K. Saxena)
Member (J)