

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.275 of 2004.

Allahabad this the 23rd day of March 2004.

Hon'ble Mr. Justice S.R. Singh, Vice Chairman.

Hon'ble Mr. D.R. Tiwari, Member-A.

Indra Vijay Singh
son of Sri Badri Singh,
aged about 48 years,
Resident of Village & Post
Kotiya, District Fatehpur.

.....Applicant.

(By Advocate : Sri Mahima Kushwaha)

Versus.

1. Employees State Insurance Corporation
through its Chairman Ministry of Labour,
Govt. of India Shram Shakti Bhawan, Rafi Marg,
New Delhi.
2. Director General,
Employee State Insurance Corporation,
Panchdeep Bhawan, Kotla Road,
New Delhi-110002.
3. The Regional Director,
Employee State Insurance Corporation,
Panchdeep Bhawan, Sarvoday Nagar,
Kanpur.

.....Respondents.

(By Advocate : Sri P.K. Pandey)

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(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Mrs. Mahima Kushwaha learned counsel for the
applicant, Sri P.K. Pandey learned counsel for the
respondents and perused the O.A. as also the documents
annexed thereto.

2. The applicant has been compulsorily retired from
service vide order dated 16.01.2002. The order was passed
by way of punishment and hence it was appealable under



Regulation 18 (ii) of Employees State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959. The applicant, it appears, instead of filing the appeal preferred review under Regulation 22-A of the Regulations which came to be rejected vide order dated 21.03.2003 on the ground that review was not regular channel of appeal. The applicant then preferred a revision under Regulation 22 of the Regulations. The revision was addressed to the Chairman Standing Committee by letter dated 03.05.2002. The Assistant Director (Vigilance) requested the applicant to intimate if the revision petition could be placed before the Director General for decision in view of the fact that the revision petition to the Chairman Standing Committee lies only against the order ~~which~~^{is} passed by the Director General. In the instant case the order against which revision petition was filed had been passed by the Regional Director.

3. It is true that the applicant had the remedy of appeal under Regulation 18 before the Director General but non ~~ob~~^rstantee clause contained in Regulation 22 makes it abundantly clear that the revision preferred without availing the remedy of appeal would be maintainable. Further the revision can be filed before the Chairman Standing Committee or Director General and there is nothing in Regulation 22 on the basis of which it may be construed that the Chairman shall entertain the revision only if the order under revision has been passed by the Director General. In the circumstances, therefore, we are of the view that Chairman Standing Committee should himself consider and dispose of the revision on merit in accordance with law.

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4. Accordingly, the O.A. is disposed of with a direction that the Chairman Standing Committee shall himself consider and decide the revision petition on its merit in accordance with law within a period of three months from the date of receipt of a copy of the order.

No costs.

Deva
Member-A.

Prag
Vice-Chairman.

Manish/-