

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,
ALLAHABAD.

Dated : 11th day of December, 1995.

QUORUM : Hon'ble Mr. T.L.Verma, Member-J
Hon'ble Mr. D.S.Baweja, Member-A

Original Application No. 1247 of 1995.

R. P. Maurya .
son of late Sri Ayodhya Prasad Maurya,
R/o. Village & Post Office Barnao,
District Kanpur Dehat..... Applicant.
(In person).

Versus

1. Employees' State Insurance Corporation,
Through the Director General, E.S.I.C.,
E.S.I.C.Building, Kotla Road,
Delhi.
2. Union of India,
through the Secretary to the Ministry of
Labour, Shram Shakti Bhawan,
Rafi Marg,
New Delhi. Respondents.

ORDER (Oral)

(By Hon'ble Mr. T. L. Verma, Member-J0)

This application has been filed for
quashing the order dated 2.11.1992 and ~~therein~~
for issuing a direction to the respondents to
make the payment of pension and other terminal
benefits ^{to the applicant} with effect from the date he is deemed
to have retired.

2. The applicant was initially appointed as Lower Division Clerk on 16.12.1958 under Employees State Insurance Corporation. He was put under suspension and thereafter subjected to a departmental proceedings. The disciplinary authority agreeing with the finding recorded by the Inquiry Officer passed punishment of removal from service by order dated 05.3.1970. The applicant challenged the order of his removal from service by filing a Civil Suit No.1513 of 1971 in the Court of Munsif, Kanpur City. The said suit was decreed and the appeal preferred by the State Govt. before the District Judge was dismissed. The Union of India, thereafter, filed Second Appeal No.1138 of 1983 in the High Court of Judicature at Allahabad. The said appeal is still pending. The High Court while admitting the Second Appeal has stayed the operation of the judgment and decree of the Lower Appellate Court. In that view of the matter the question whether the applicant is entitled to retiral benefits will depend upon the decision in Second Appeal pending in the High Court. Therefore, the only course open to the applicant, in the circumstance is to move the High Court at Allahabad and get his second Appeal expedited. If ^{even} after the decision of the High Court in favour of the applicant in the Second Appeal, the respondents decline to settle his terminal benefits, ~~it~~ will be open to the applicant to move this Tribunal for redressal of his grievance.

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3. This application, for the reasons ~~stated~~ ^{stated above}
~~XXXX~~ ^{above} and in view of the ~~discretionary~~ ^{discretionary} ~~fact~~ ^{fact} above,
is not maintainable in this Tribunal and the same
is accordingly dismissed at the admission stage
itself.

Member - A

Member-J.

Pande y/-