

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 221/87

Shri. Jagdishchandra T. Shukla,
C/o. Shri. G.S. Walia,
89/10, W.Rly. Employees Colony,
Matunga Road,
Bombay 400 019.

... APPLICANT.

V/s.

1. Union of India, through
The Regional Director,
ESIC Corporation,
ESIC Bhavan, Lower Parel,
Bombay 400 013.
2. The Regional Director,
Employees State Insurance,
Corporation, ESIC Bhavan,
Lower Parel,
Bombay 400 013.

... RESPONDENTS.

Coram: Hon'ble Vice-Chairman B.C. Gadgil
Hon'ble Member (A) J.G. Rajadhyaksha.

Appearance:

1. Shri. G.S. Walia
Advocate for the
Applicant.
2. Shri. M.I. Sethna
for the Respondents.

ORAL JUDGEMENT

Date: 16.6.1987.

(Per B.C. Gadgil, Vice Chairman)

Heard Mr. Walia for the applicant and Mr. Sethna for the respondents.

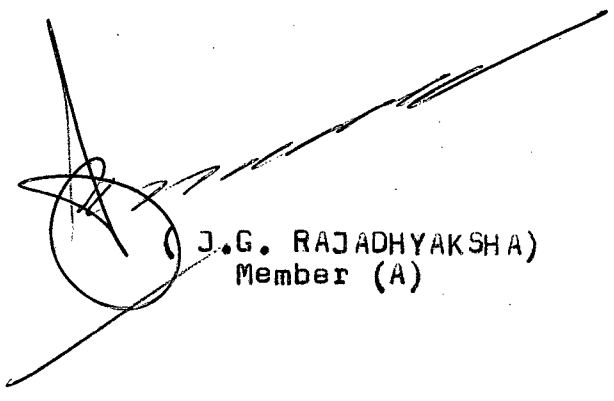
The applicant retired from service on 1-2-1979 with the benefits of Contributory Provident Fund. His claim is that he is entitled to exercise the option to have the pension and that such option is not allowed to be exercised. Mr. Walia states that the applicant is willing to make a fresh representation to the respondents for permitting him to exercise such option. Mr. Sethna states that the respondents would consider the representation if so made and pass appropriate orders. In view of this position Mr. Walia wants to withdraw the application. He, however, prays that he

may be granted liberty to file a fresh application to the Tribunal in case, unfortunately, he is unsuccessful^c in that representation. Mr. Sethna submits that in case such liberty is granted the respondents should also have the liberty to agitate all questions that are available to them for defending that case. We think that the course mentioned above would be in the interest of the parties. Hence we pass the following order:

O R D E R

The application is allowed to be withdrawn with liberty to the applicant to file a fresh application in case his representation fails. In such subsequent application the respondents will be at liberty to raise all contentions for defending that application. It is hoped that the representation that would be made by the applicant would be decided expeditiously say within three months from the receipt^{ff} of the representation. No. orders as to costs.


(B.C. GADGIL)
Vice-Chairman


(J.G. RAJADHYAKSHA)
Member (A)