

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:662/2001
DATED THE 9TH DAY OF OCT, 2001.

CORAM: Hon'ble Shri Justice B. Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastry, Member(A)

Shri Satpal Thapar,
residing at C-004 Guru Prasad Co-op
Housing Society Ltd,
Lokhandwala Complex,
Andheri (West),
Mumbai - 400 053.

... Applicant

V/s.

Regional Director,
Employees State Insurance Corporation,
Panchdeep Bhavan, Lower Parel,
Mumbai - 400 013.

... Respondents

By Advocate Shri V.D. Vadhavkar

(ORAL)(ORDER)

Per Shri B. Dikshit, Vice Chairman

By this OA, the applicant has challenged order dated 9/9/99 passed by Director General, Employees State Insurance Corporation, Panchdeep Bhawan, Kotla Road, New Delhi which was served through Regional Director, ESIC, Mumbai. The order is in respect of imposition of penalty in disciplinary proceeding vide order dated 9/9/99. The operative part of order reads as follows:-

"Shri Thapar has retired from service of the Corporation on 31/7/97 and because of this disciplinary proceedings, he has not so far availed some retirement benefits. Considering this fact and taking a lenient view, I, in exercise of powers delegated to the Director General by the Standing Committee vide item V(14) dated 24/2/79 read with rule 9 of CCS (Pension) Rules, 1972, hereby order that an amount of Rs.200/- per month shall be withheld from his pension for a period of five years w.e.f. the date of this order."

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2. As the penalty imposed is to cut ~~of~~ Rs.200/- per month in the Pension for a period of five years, the petitioner preferred an appeal on 9/9/99. The appeal was dismissed by Chairman, Standing Committee, ESIC, Panchdeep Bhawan, Kotla Road, New Delhi by order dated 28/3/2000 on the ground that appeal was preferred beyond the period of limitation and no reason for delay for submission of the appeal was furnished by the applicant hence this OA.

3. It is not disputed that the period of limitation is 45 days for filing appeal. As the appeal was filed beyond prescribed period of limitation and no reason explaining the delay was given, the appeal has been dismissed on the ground of limitation for want of reasons. As appeal has been dismissed for want of reasons to condone delay, we do not find any infirmity in the order passed.

4. The applicant has also relied upon an application filed by him on 23/10/2000 wherein he has tried to assign reasons for condoning the delay, when appeal stood disposed of. No such application was maintainable after disposal of the appeal. "The applicant then argued that this Tribunal can examine the merits of the matter in respect of punishment initially awarded by Director General. We cannot go into the question also for two reasons: Firstly, the order punishing applicant and imposing penalty stands merged in Appellate order. The second reason is that the original order is dated 9/9/99 whereas this OA has been presented on 8/5/2001 ^{while} ~~whereas~~ prescribed period of limitation for

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...3.

filing OA is one year from the date when cause of action arose.
Thus, the OA is liable to be dismissed.

5. For aforesaid reason, the OA is dismissed as barred by
limitation. No costs.

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(SMT. SHANTA SHASTRY)
MEMBER(A)

B. Dikshit

(B. DIKSHIT)
VICE CHAIRMAN

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