

Registered

CENTRAL ADMINISTRATIVE
BANGALORE BENCH
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TRIBUNAL

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 13-8-87

APPLICATION NO 221/1987(F) 13()

W.P. NO

Applicant

S.T. Mahale

Vs Chairman, E.S.I. Corporation, & others.

To

1. Shri S.T. Mahale,
s/o T.A. Mahale,
No. 55, 12th cross,
K.R. Puram, Malleswaram,
Bangalore-3.
2. The Chairman,
Standing Committee,
E.S.I. Corporation and
Secretary to Govt. of India,
Ministry of Labour,
New Delhi.
3. The Director-General, E.S.I.
Corporation, Kotla Read, New Delhi.
4. The Regional Director, Regional
Office (Karnataka), E.S.I.
Corporation, No. 10, Binny Fields,
Binnypet, Sirsi Circle, Bangalore-26.
5. Shri M. Narayana Swamy, Advocate,
No. 844 (Upstairs), V Block,
Rajajinagar, Bangalore-560 010.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STRAK/
XXXXXX passed by this Tribunal in the above said
application on 5-8-87.

Rec'd
Central
Bench
C.S. No. 1442
Date 21/8/87
Encl : as above

f.v. Venkatesh
Deputy Registrar
SECTION OFFICER
(JUDICIAL)

6. Shri M. Papanna, Advocate,
99 Magadi Chord Road,
(Near State Bank of Mysore)
Vijayanagar, Bangalore-40.

oc.
RECEIVED 14/8/87
Yours
14/8/87

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5TH DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 221/1987

Shri S.T. Mahale,
s/o T.A. Mahale,
Aged 56 years,
No.55, 12th cross,
K.R. Puram, Malleswaram,
Bangalore-3.

.... Applicant

(Shri Narayana Swamy, Advocate)

v.

1. The Chairman,
Standing Committee,
E.S.I. Corporation and
Secretary to Govt. of India,
Ministry of Labour,
New Delhi.

2. The Director-General,
E.S.I. Corporation,
Kotla Road, New Delhi.

3. The Regional Director,
Regional Office (Karnataka),
Employees State Insurance
Corporation, No.10, Binny
Fields, Binnypet, Sirsi
Circle, Bangalore-26.

.... Respondents.

(Shri M. Papanna, Advocate)

This application having come up for hearing to-day
Vice-Chairman made the following.

O R D E R

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

[Handwritten signature]



2. Prior to 2.4.1986, the applicant was working as a Manager Grade-II/Insurance Inspectors in the office of the Karnataka Region of Employees State Insurance Corporation, Bangalore. In exercise of the powers conferred on him by Rule 56(j) of the Fundamental Rules ('FR'), the Director-General of the Employees State Insurance Corporation (Director) on 2.4.1986 had compulsorily retired the applicant from service offering him three months pay in lieu of three months notice. On 11.4.86 the applicant in terms of office memorandum No.250/3/14/77. Estt.(A) dated 5.1.1978 had presented a representation on 11.4.1986 (Annexure-B) to the Chairman, Standing Committee, ESI Corporation and Secretary to Government of India (Chairman) for revocation of the same. But even before that authority had considered and disposed of that representation, the applicant has approached this Tribunal on 1.4.1987 challenging the very order of retirement of the Director on diverse grounds.

3. In their reply, the respondents have asserted that the representation made to the Chairman on 11.4.1986 (Annexure-B) was still under consideration and the same will be considered and disposed of with expedition.

4. Sri Narayanaswamy, learned counsel for the applicant contends that the representations made in conformity with the executive orders of Government, were bound to be considered and disposed of by the Chairman with expedition and by his failure to do so, he had acted illegally.

5. Sri M. Papanna, learned counsel for the respondents contends that the Chairman had taken all steps to consider and dispose of the representations made by the applicant and the same will be done with expedition.

6. When a representation is made by an employee for revocation of an order made under Section 56(j) FR in terms of the order of Government, it was duty of the Chairman to consider and dispose of the same in accordance with law. Even after one year the same had not been done by the Chairman. In these circumstances, we consider it proper to direct respondent-1 to examine and decide the representations made by the applicant one way or the other within a period of three months from the date of receipt of our order.

7. Before the Chairman examines and decides the representation it is not for us to examine the validity of the order of the Director. We therefore leave open the same.

8. In the light of our above discussion, we direct respondent-1 to consider and dispose of the representations made by the applicant on 11.4.1986 with all such expedition as is possible in the circumstances of the case and in any event within a period of 3 months from the date of receipt of the order of this Tribunal.

9. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



R. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Vice-Chairman 8/81

Member (A) 5-8-87

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