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CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH :
AT HYDERABAD.

O.A.No.1647 OF 1997.

Date of order :- 12th December,1997.

BETWEEN :

G. ANJANEYA SWAMY

... APPLICANT

AND

1. The Regional Director,
(Disciplinary Authority),
Employees State Insurance Corporation,
5-9-23, Hill Fort Road, Adarshnagar,
Hyderabad-500 063.
2. The Director of Administration,
(Appellate Authority-
Presently Additional Commissioner
of Administration), Employees' State
Insurance Corporation, Kotla Road,
New Delhi - 110 002. ... RESPONDENTS

COUNSEL FOR THE APPLICANT : MR.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS : MR.N.R.DEVARAJ,SrCGSC

CORAM :

HONOURABLE MR. R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

HONOURABLE MR.B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

....

ORDER (ORAL)

(Per Hon. Mr. R. Rangarajan, Member (Admn.)

1. Heard Mr. S.Ramakrishna Rao, for the applicant and Mr. N.R. Devaraj, for the respondents.
2. The applicant was issued with the Charge memo bearing No.52-C/14/14/69/93.Estt. dated 3.2.1993 for certain omissions and commissions. The applicant was issued with the punishment order bearing No.52-C/14/14/69/93-Estt-I dated 12.9.1997 by the disciplinary authority i.e. the Regional Director of the respondent organisation. Against that order, the applicant has

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filed an appeal to the Director of Administration, Employees' State Insurance Corporation, Kotla Road, New Delhi. This appeal was dated 18/22.9.1997. In this appeal he had shown his designation as 'Asst. Finance & Accounts Branch, Regional Office, E.S.I.C. Hyderabad-063 (On leave)'. That appeal was not forwarded by the local authorities as the applicant had described himself as 'Assistant' instead of LDC as per the punishment order of the disciplinary authority dated 12.9.1997.

3. This O.A. is filed to set aside the impugned punishment order No.52-C/14/14/69/93-Estt.I dated 12.9.1997 imposing the penalty of reversion to the lower post of LDC from the post of Assistant, and the consequential Memo No.52-C/14/14/69/93-Estt.I dated 22.11.1997 of the 1st respondent withholding the appeal of the applicant without forwarding the same to the 2nd respondent for his disposal and for a consequential direction to the respondent No.1 to forward the appeal of the applicant dated 18/22.9.1997 to the respondent No.2 for his disposal and pending disposal of the appeal by the respondent No.2, a direction to the respondent No.1 to allow the applicant to continue to work as Assistant with all the consequential benefits and to sanction the leave as applied for by the applicant for different spells from 15.9.1997 to 21.12.1997 duly making payment of leave salary as per eligibility.

4. The main reason for not forwarding the appeal of the applicant dated 18/22.9.1997 is due to the fact that the applicant had described himself as 'Assistant, Finance & Accounts Branch; Regional Office, E.S.I.C., Hyderabad-063 (On Leave)'. The respondents submit that he should describe himself as LDC and not as

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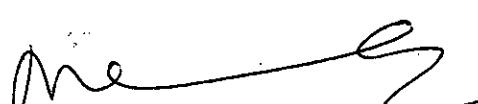
Assistant as he had already been reverted. Due to this dispute, the appeal of the applicant has not been forwarded.

5. We do not consider it as a very essential point in not forwarding the appeal of the applicant. The respondents can ignore the description given by the applicant in his appeal dated 18/22.9.1997 as 'Assistant, Finance & Accounts Branch, Regional Office, E.S.I.C.Hyderabad-063 (On Leave)' and forward the same treating him the way in which he was to be treated. The appellate authority should dispose of the appeal of the applicant within two months from the date of receipt of a copy of this order.

6. As regards granting of leave to the applicant from 15.9.1997 to 21.12.1997, the applicant may now approach the authorities in view of the above order and ask for sanction of leave as he desires. It is for the respondent-authorities to grant him the leave in accordance with law.

7. With the above direction, the O.A. is disposed of at the admission stage itself. No costs.

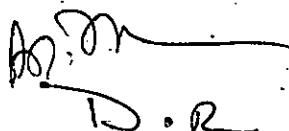

(B.S.JAI PARAMESHWAR)
MEMBER(JUDICIAL)


(R. RANGARAJAN)
MEMBER(ADMINISTRATIVE)

12/12/97

DATED THE 12TH DECEMBER, 1997.
Dictated in the Open Court.

DJ/


D.R.

DA.1647/97

copy to:-

1. The Regional Director, (Disciplinary Authority), Employees State Insurance Corporation, 5-9-23, Hill Fort Road, Adarshnagar, Hyderabad.
2. The Director of Administration, (Appellate Authority-Presently Additional Commissioner of Administration), Employees' State Insurance Corporation, Kotla Road, New Delhi.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated:

12/12/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO. 1647/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

