

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

R.A.No.13/2017

Dated Friday, the 8th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

C.K. Parimala

No. 13, V.M. Street

Alangayam

Vellore District.

... Applicant

By Advocate M/s S Udayakumar

Vs.

1. The Director General

Employees' State Insurance Corporation

Panchadeep Bhavan, C.I.G. Road

New Delhi – 111 002.

2.The Deputy Director (Administration)

E.S.I. Corporation

143 Sterling Road

Chennai 600 034.

3. The Addl. Commissioner & Regional Director (RD)

E.S.I. Corporation

143 Sterling Road

Chennai – 600 034.

4. The Deputy Director E-II

Employees' State Insurance Corporation

Panchadeep Bhavan, C.I.G. Road

New Delhi – 111 002.

... Respondents

By Advocate Mr. C.V. Ramachandramurthy

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

The applicant in OA 1356/2013 has filed this RA seeking to review the order dated 22.10.2016 passed by this Tribunal in the said OA.

2. It is submitted that the grounds on which the OA was rejected were not correct and there were errors apparent on the face of records which would warrant a review. Attention is drawn to the observation of the Tribunal that the applicant had filed the OA after a lapse of five years and also that the applicant had studied only up to 9th standard and did not possess the minimum qualification for appointment to the post of MTS. Accordingly the OA was dismissed as seriously hit by limitation and also devoid of merit.

3. Learned counsel for the applicant would submit that the applicant had made a representation on 22.10.1998 following the death of the applicant's brother on 28.07.1998 while in service. She pursued the matter till December 2004 when the committee screening the case did not recommend her case for grant of compassionate appointment. The matter was taken up in litigation before the Hon'ble Madras High Court which in WA No.1373/2007 directed the respondents to reconsider the issue afresh and to pass a speaking order. The respondents rejected the case once again on 12.06.2008 after which the applicant kept sending representations for reconsideration of the order.

4. On 07.01.2011 the second respondent sent a communication to prefer an appeal to the Additional Commissioner and Regional Director Chennai which was complied with. However, the appellate authority rejected the appeal on 11.02.2011 after which the applicant pursued the matter further by way of a representation. On 30.01.2013, the first respondent reiterated the earlier order dated 12.06.2008.

5. As regards the qualification of the applicant, attention is drawn to the copy of the Secondary School Leaving Certificate (SSLC) at Page 21 of the RA showing the marks obtained by the applicant in the SSLC public examination held in March 1985. It was accordingly an error on the face of the record to observe that the applicant had studied only upto 9th standard.

6. We have considered the pleadings. It is not in dispute that the applicant kept making repeated representations even after the rejection of her claim by the competent authority from time to time as per her own admission. Repeated representations would not justify delay and as such we are of the view that this Tribunal had committed no error on the face of the record in observing that the case was hit by limitation. As for the claim that the applicant had appeared in SSLC in 1985, it is seen from the relevant mark list that the applicant had failed to qualify 10th standard as she failed in 3 of the 5 subjects with marks of less than 35. As such the Tribunal did not commit any error in observing that the applicant had studied up to 9th standard. Further, the RA applicant has not drawn

attention to any educational qualification prescribed for any post as SSLC(10th standard) failed.

7. In the above circumstances, RA is devoid of merits and is accordingly dismissed.

(P.MADHAVAN)
MEMBERJ)

08.02.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.