

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

M.A.No.61/2019 & MA No.564/2018 in & O.A.No.1307/2018

Dated Friday, the 8th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

T. Natarajan

22/9, Manali New Town

Chennai – 600 103.

... Party in person

Vs

1. The Employees' State Insurance Corporation

(Represented by the Regional Director)

Regional Office

143, Sterling Road, Chennai – 600 034.

2. The Insurance Commissioner

ESI Corporation Headquarters Office

'Paanch Deep Bhavan' C.I.G. Marge

New Delhi – 110 002.

... Respondents

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

Heard. The applicant appearing in person submits that in the light of the observations of this Tribunal in the proceedings dated 23.10.2018 that the applicant sought compensation etc for defamation and mental agony which was not within the jurisdiction of this Tribunal and the grant of time to the applicant to decide whether to proceed with the matter or not, the applicant had filed an application for withdrawal of the OA with liberty to file a case in the appropriate civil court on 01.12.2018. However, the withdrawal application which was received in the Registry on 07.12.2018 was not linked in the case and this Tribunal by an order dated 19.12.2018 dismissed the OA for default without being aware of the withdrawal application. The applicant accordingly seeks restoration of the OA and permission to withdraw the OA as well as MA 564/2018 filed for condonation of delay in filing the OA with liberty to approach the appropriate civil court regarding his case.

2. Keeping in view the above submission, MA 61/2019 for restoration of OA 1307/2018 & MA 564/2018 is allowed and OA 1307/2018 & MA 564/2018 are restored to file. However, as the applicant wishes to pursue the matter in the competent civil court and seeks to withdraw the matter, the OA as well as MA 564/2018 are dismissed as withdrawn.

(P.MADHAVAN)
MEMBER(J)
M.T.

08.02.2019

(R.RAMANUJAM)
MEMBER (A)