

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00538/2019

&

M.A No. 180/00701/2019

Tuesday, this the 23rd day of July, 2019.

CORAM:

HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

1. Employees State Insurance Corporation Employees Union,
Represented by its General Secretary,
P. Sasikumar, 57 years,
S/o. K.S. Chellappan Pillai, Palliyil House,
Ramavarmapuram (P.O), Thrissur – 680 631.
2. R. Harikumar 57 years,
S/o. Raman Nair,
Thiruvathira, Thammanam,
Kochi – 682 032 (Member of Employees State Insurance
Corporation Employees Union). - Applicants

[By Advocate Mr. Nagaraj Narayanan]

Versus

1. Union of India,
Represented by Secretary,
Ministry of Labour & Employment,
Shram Shakthi Bhavan, Rafi Marg,
New Delhi – 110 001.
2. The Director General,
Employees State Insurance Corporation,
Headquarters Office, C.I.G. Road,
New Delhi – 110 002. - Respondents

[By Advocate Mr. V.A. Shaji, ACGSC for R-1
Mr. T.V. Ajayakumar for R-2]

The application having been heard on 23.07.2019, the Tribunal
on the same day delivered the following:

ORDER

Per: E.K. Bharat Bhushan, Administrative Member

Mr. T.V. Ajayakumar, learned counsel for Respondent No. 2 submitted that the O.A is not admissible under Rule 4 (5)(a) and (b) of CAT (Procedure) Rules and Section 19 of the Administrative Tribunals Act, 1985.

Rule 4 (5) (a) and (b):-

“(5) (a) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for that they have a common interest in the matter.

(b) Such permission may also be granted to an association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories of persons on whose behalf it has been filed [provided that at least one affected persons joins such an application].”

2. The applicant has not been able to establish his *locus standi* as a member of Association. Even Annexure A-4 reply, he stated to be addressed to his Union viz., Employees State Insurance Corporation Employees Union, is actually seen addressed to All India ESIC Employees Federation.

3. This Tribunal feels that the status of the applicants, as part of an Employees Union working under ESI Corporation, is also unclear. Hence, both the M.A and O.A are dismissed. No order as to costs.

(Dated, 23rd July, 2019.)

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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Annexures of Applicants

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| Annexure A1 | - | True copy of the memorandum dated 02.11.2017. |
| Annexure A2 | - | True copy of the letter No. A-11014/1/2016-SS.1 dated 09.07.2018. |
| Annexure A3 | - | True copy of the Memorandum No. A-27/17/1/7 th CPC/2016-EIII dated 24.07.2018. |
| Annexure A4 | - | True copy of the Letter No. F. No. A-27/17/1/7 th CPC/2016-EIII dated 09.01.2019. |

Annexures of Respondents

NIL
