



W.P.Nos. 21880 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.No. 21880 of 2019
and WMP.No. 21093 of 2019**

K.Govindarajan

..Petitioner

Vs

1.The Central Administrative Tribunal
Chennai Bench, rep. By its Registrar,
Chennai-600104.

2. Union of India
Owing Employees State Insurance Corporation,
Rep. By its Secretary/Chairman,
ESIC Standing Committee,
Ministry of Labour, New Delhi-110001.

3.The Director General,
Employees State Insurance Corporation,
CIG Road, New Delhi-110002.

4.The Medical Commissioner,
ESI Corporation,
CIG Road, New Delhi-110002.



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5. The Dean

ESIC Model Hospital Medical College and PGIMSR
K.K.Nagar, Chennai-600078.

6. The Deputy Director (Administration)

ESIC Model Hospital Medical College and PGIMSR
K.K.Nagar, Chennai-600078.

..Respondents

Prayer : Writ petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari mandamus, calling for the records relating to the order of the 1st respondent Tribunal dated 19.07.2019 passed in O.A.No. 958 of 2019 and to quash the same and for consequential direction forbearing the respondent Corporation from ousting/dispensing the petitioner from the post of Electrician on 20.07.2019 or to continue him in the said post pending disposal of the said original application.

For Petitioners : Mr.V.Govardhanan

For Respondents : Mr.C.V.Ramachandramoorthy,
Senior Panel Counsel - R3 to R6
Mr.Rajesh Vivekananthan,DASG-R2
R1- Tribunal.

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Aggrieved by the order passed by the tribunal/ 1st respondent in O.A.No. 379 of 2021 dated 08.02.2023, the present writ petition has been filed.



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2. The case of the petitioner is that he was appointed as Electrician in the respondent-corporation on 11.07.1996 and he was terminated from service on 20.07.2019. Challenging the order of termination, the petitioner had filed an application before the tribunal in O.A.No.99 of 2013 seeking regularisation of his service w.e.f. 05.10.2004. The said application was disposed of with direction to consider regularisation, if there exist a regular vacancy for the post of Electrician. Based on the said directions, the respondent-Corporation has considered the case of the petitioner and passed a speaking order dated 19.08.2017 stating that no regular vacancy exist of the post of Electrician. Challenging the same, the petitioner has filed another Original Application in O.A.No.958 of 2019 before the tribunal and the same is pending.

3. By consent of both the parties, the writ petition is taken up for final disposal.



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4. It is brought to the notice of this Court that at the time of admission of the writ petition, this Court by order dated 24.07.2019 had granted interim order of stay of the order dated 17.07.2019 passed by the 5th respondent and restrained the respondents from appointing a substitute in the post held by the petitioner until further orders and the same is in force. The learned counsels appearing for the parties concerned fairly admitted before this Court that the application filed by the petitioner in O.A.No. 958 of 2019 is pending before the tribunal and it would suffice to issue directions to the tribunal to dispose of the said original application within a time frame.

5. Considering the facts and circumstances of the case and considering the submissions made by the learned counsels appearing for the parties concerned, We direct the tribunal to dispose of the application in O.A.No. 958 of 2019 on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such time, the interim order of stay granted by this Court shall be in force.



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(D.K.K., J.) (K.B., J.)

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Index: Yes / No

Internet: Yes

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To

The Secretary/Chairman,
Owing Employees State Insurance Corporation,
ESIC Standing Committee,
Ministry of Labour, New Delhi-110001.



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