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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

DA NO. 1626 OF 1994

New Delhi this the 30th day of November 1994.

Hon'ble Shri J.P.Sharma, Member(J)

Hon'ble Shri S.R.Adiga, Member(A)

Shri Jagdish Singh  
s/o Shri Kishan Singh  
Ex. Store Keeper/MM Section  
Ordnance Factory  
Muradnagar

presently  
r/o Pocket G.23  
House No. 126 Sector 7  
Rohini  
Delhi  
Shri B.N. Madhok, proxy  
(By Sh.B.S. Maini, Advocate)

.....Applicant

Versus

Union of India through

1. The Secretary  
Ministry of Defence  
New Delhi

2. The Chairman  
Ordnance Factory Board  
Calcutta

3. The General Manager  
Ordnance Factory Board  
Ordnance Factory  
Muradnagar-201 206

....Respondents

(Shri V.S.R.Krishna, Advocate)

JUDGEMENT (Oral)

Hon'ble Sh.J.P.Sharma, Member(J)

The applicant Shri Jagdish Singh was a storekeeper employed in Ordnance Factory, Muradnagar and was removed from service by order dated 12.10.1993 by the General Manager, Ordnance Factory, Muradnagar. The applicant filed an appeal against the aforesaid order of removal on 4.11.93. The appellate authority is located at Calcutta.

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2. The applicant has prayed for quashing of the order of punishment and requested for reinstating the applicant in service. A notice was issued to the respondents. Shri V.S.R.Krishna appeared alongwith D/Representative Shri Shamsher Singh Shairya, chargeman, Ordnance Factory, Muradnagar. Learned counsel for the respondents states that the appeal has been sent to Calcutta and shall be disposed of. Proxy counsel Shri Madhok for Shri B.S.Mainee states that the applicant had filed the appeal on 8.11.1993 but the same has not yet been decided.

3. If an appeal is filed, then it is for the applicant to wait for the result, but according to Section 20 A.T. Act, he has only to wait for a period of 6 months. So this application is rightly filed before the Principal Bench. However, the fact remains that order of the appellate authority will merge in the order of the disciplinary authority and during the pendency of this application, respondents may not dispose of the appeal in view of Section 19(4) of the AT Act. Counsel for the applicant states that only one month be allowed to dispose of the appeal. OA therefore, is disposed with the directions to the respondents that the appeal filed by the applicant be disposed of within a period of 45 days. If the applicant is still aggrieved, he can assail his grievance as advised in fresh application according to law.

*M. Felig*  
(S.P. ADIGE)  
MEMBER(A)

*Sharma*  
(J.P.SHARMA)  
MEMBER(J)