

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 538 of 1996

Allahabad this the 07th day of November, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Bikram Jeet Ram S/o Sri Banshi Ram R/o Village  
Baghol, P.O. Jangipur, District Ghazipur.

By Advocate Shri Anand Kumar Applicant

Versus

1. Union of India through Chief Controller,  
Govt. Opium and Alkaloid Workshop, 13, Adarsh  
Nagar, Murar, Gwalior-6 (M.P.)
2. Assistant Chief Controller, Govt. Opium and  
Alkaloid Work Shops, 10-C, Hari Om Colony,  
Murar, Gwalior-6 (M.P.).
3. General Manager, Govt. of India, Opium and  
Alkaloid Work Shop Ghazipur.


By Advocate Miss Sadhna Srivastava Respondents

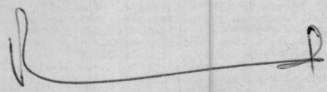
ORDER ( Oral )

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant  
has prayed for a direction to the respondents to  
allow him duty and applicant may be granted all  
consequential benefits including seniority, promotion  
and arrears of salary with interest.

2. This O.A. was filed on 02.05.96. It appears that the order of removal was passed on 13.03.97 against the applicant, Copy of which has been filed as annexure C.A.-1. Against the order of removal, ~~the~~ applicant filed an appeal on 26.4.97 before the Chief Controller, Government Opium and Alkaloid Workshop, Gwalior. It is claimed that the appeal is still pending and it has not been decided. Miss Sadhna Srivastava has objected that the amendment now sought by the applicant for challenging the order dated 13.3.97 is highly belated and application is liable to be rejected as time barred. It cannot be disputed that the order of removal was passed after filing the present O.A. In view of the fact that the applicant has filed appeal before the appellate authority, which <sup>has been</sup> ~~is~~ not decided as yet, it cannot be said that the order of removal passed against the applicant, became final. In these facts and circumstances, in our opinion, this O.A. may be disposed of finally with the direction to the respondents (appellate authority) to decide the appeal of the applicant in accordance with law within the specified time. This O.A. is accordingly disposed of finally with the direction to the Chief Controller Govt. Opium and Alkaloid Workshop, Gwalior to decide the appeal of the applicant in accordance with law within a period of 3 months, provided the appeal <sup>not</sup> ~~has~~ already been decided. It shall be open to the applicant to file a memo of appeal along with a copy of the order before the Chief Controller to avoid delay. No order as to costs.

  
Member (A)

  
Vice Chairman

/M.M./