

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 819 of 1996

TUESDAY, THIS THE 22nd DAY OF OCTOBER, 2002

HON'BLE MR. SARVESWAR JHA, MEMBER (A)

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Rajesh Singh, T.No.53/LB/O.F.C.,
Son of Shri Raj Vir Singh Bhadauria,
Resident of Qr. No.R/726, Armapur Estate,
Kanpur.Applicant

Counsel for the Applicant Shri M.K. Upadhyay

V E R S U S

1. Union of India, through
the Secretary,
Ministry of Defence,
(Dept. of Defence Production),
New Delhi.
2. The Chairman/Secretary,
Ordnance Factories Board,
10-A, Auckland Road,
Calcutta-1
3. The General Manager,
Ordnance Factory Cawnpore (OFC),
Kalpi Road,
Kanpur-9Respondents

Shri A. Sthalaker
Counsel for the Respondents Shri A. Sthalaker

O R D E R

Hon'ble Mr. Sarveswar Jha, Member (A)

The applicant has approached this Tribunal for a
direction be *by* issued to the respondents against their order

number 1210/COMP/VIG/IE/59 dated 15.06.1996 by which the applicant has been dismissed from his post of labourer at Ordinance Factory, Kanpur, treating the said impugned order as illegal ^{and} arbitrary and quashing the same on these grounds. The applicant has also prayed for his reinstatement ⁱⁿ ~~on~~ the service forthwith and for back wages and consequential benefits from the date of suspension to the date of actual reinstatement. After having gone through the submissions that the applicant has made and after hearing the learned counsel for the parties, it transpires that the applicant would be satisfied if the appeal submitted by him to the respondents (respondent No.2) on 27.06.1996 is considered by them and disposed of, as prayed for by him in the appeal, at the earliest. At this stage, the learned counsel for the applicant clarified that while his submission was that the case be considered and decided on merit, considering the possibility that disposal of the case on the basis of its merit after going through the entire process of hearing might still take some more time and hence his request for deciding the case and ~~the~~ directions to the respondents to dispose of the appeal, as referred to above. At this stage *Shri. K. S. Sharma* the learned counsel for the respondents also mentioned that the appeal in question had been submitted to ~~in~~ an inappropriate authority ^{and} would need to be considered and disposed of by the competent appellate authority.

2. Be that as it may, the fact of the matter is that the applicant has submitted an appeal to the respondents

(respondent No.2) and the same has to be disposed of.

It also transpires that while the impugned order was issued by the respondents on 15.06.1996 dismissing the applicant from service with effect from the date of the order, they issued another order on 24.06.1996 (Annexure-A-2) directing the applicant to ^{vacate} ~~evict~~ the house No. R-726 allotted to him and in which he was staying w.e.f. the date he received the said orders. It is learnt that he had in the mean-time separately obtained ~~the~~ a stay order from the Hon'ble High Court of vacating the said house. The question of ~~therefore~~ considering the relevant part of his prayer relating to vacating the house ~~is, therefore,~~ does not arise, so far this Tribunal is concerned. Coming to the question of considering and disposing of his appeal dated 27.06.1996 (Annexure A-11), it is observed that this appeal does not say anything about whether he should be allowed to further stay in the said house and, therefore, the respondents would not have any idea of the submissions of the applicant in this regard through this appeal. Learned counsel for the applicant, therefore, makes a submission that the applicant has

Lawyer ~~he~~ approached this Tribunal only after he received the order relating to vacating the house, and hence the urgency for approaching the Tribunal within 01 month ^{of} ~~to~~ ^{of} having submitted the appeal ~~of~~ ^{to} the respondents.

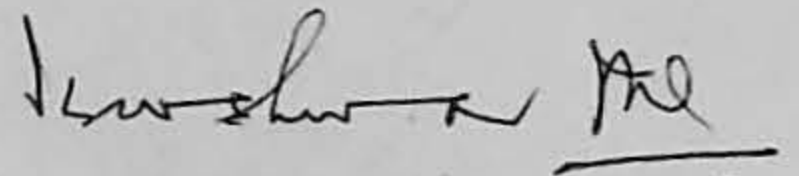
3. Keeping in view ~~of~~ the fact that the appeal is still pending with the respondents and is yet to be disposed of

by them and also the fact that the appeal relates to his prayer that the order dismissing him from service dated 15.06.1996 be set aside, We are of the view that the ends of justice would be met if the respondents (the ^{shall} appellate authority) ~~/~~ consider and dispose of the appeal dated 27.06.1996 within a period of 3 months from the date of issue/receipt of a copy of this order and ^e ~~issuing~~ an appropriate and reasoned order as per law and rules on the subject. ^{within the said period} While doing so, the respondents are also directed to refer to the other details submitted by the applicant in the O.A. treating it also as a detailed representation. With this, the O.A. stands disposed of.

4. There shall be no order as to costs.



MEMBER (J)



MEMBER (A)

shukla/-