

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(19)

Original Application No. 135 of 1997

Allahabad this the 01st day of December, 2004

Hon'ble Mr.M.P. Singh, V.C.
Hon'ble Mr.A.K. Bhatnagar, J.M.

Lal Singh, Son of Mishree Lal, Resident of village
Ekrampur, P.O. Basera, District Agra.

Applicant

By Advocate Shri A.V. Srivastava

Versus

1. Union of India through Secretary of the Ministry of Defence, New Delhi.
2. Director General of Ordnance, Services Army Head Quarter, D.H.Q., New Delhi.
3. Brig. Commandant, Central Ordnance Depot, Agra.

Respondents

By Advocate Shri Ashok Mohiley

O R D E R (Oral)

By Hon'ble Mr.M.P. Singh, Vice Chairman

By filing this O.A. applicant has claimed the following reliefs:-

- (1) To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 22nd November 1996.
- (2) To issue a writ of mandamus directing and commanding the respondents to reinstate the petitioner in service with full emoluments including arrear of salary forthwith treating the impugned order dated 22.11.1996 has never been passed in accordance with law of natural justice."

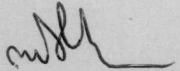
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2. The brief facts of the case, as per the applicant, are that while working as a labourer in Central Ordnance Depot Agra, a charge sheet was issued on 08.06.1993 to the applicant. An Inquiry Officer was appointed to investigate into the charges. After completion of the inquiry, disciplinary authority has imposed the penalty of compulsory retirement from service on the applicant vide order dated 22.11.1996. Thereafter applicant without filing any appeal to the appellate authority, has filed the present O.A. As per the statutory requirement, the applicant was required to file an appeal to the appellate authority ~~before~~ coming to this Tribunal. The applicant has, therefore, not availed of all the departmental remedies available to him.

3. In the facts and circumstances, we deem it appropriate to direct the applicant to file an appeal before the appellate authority, who will decide the same within the time framed by this Tribunal. Accordingly, we direct the applicant to file an appeal to the Appellate Authority within 4 weeks from the date of communication of this order. If he complies with this direction, the respondent no.2 shall consider and decide ^{detailed &} the appeal of the applicant by passing a reasoned and speaking order within a period of 3 months from the date of receipt of such an appeal. It is made further clear that appellate authority will not take the ground of limitation and will decide the appeal by giving personal hearing to the applicant. With these directions, O.A. stands disposed of. No cost.



Member (J)



Vice Chairman

/M.M.