

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1072 of 1997

Allahabad this the 05th day of June, 2003

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. D.R. Tewari, Member (A)

Smt. Asha Devi, Wife of Late Sri Ram Kumar, Ex-Token No. 608/NID/Ofc/Seeeper, resident of Quarter No. 429 Armapur Estate, Kanpur.

Applicant

By Advocate Shri Rakesh Verma

Versus

1. Union of India through Secretary Defence Production, Govt. of India, South Block, New Delhi.
2. Chairman, Indian Ordnance Factory Board, 10-A, Auckland Road, Calcutta.
3. Senior General Manager, Ordnance Factory, Kanpur.
4. Estate Officer, Armapur Estate, Ordnance Factory, Kanpur.
5. Pension Distribution Officer, D.P.D.O. Kanpur Cantt. 9-H Hablock Road, Kanpur.
6. Chief Defence Accounts Controller (Pension), G-01/Civil/Group-06, Dropadi Ghat, Allahabad.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (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 challenged her termination by order dated 08.07.95, which has been maintained by the appellate order dt. 29.08.1997. The applicant has also challenged the

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order dated 29.12.1995 asking her to vacate the residential accommodation and order dated 08.04.97 by which the family pension to the applicant was stopped.

2. The facts in brief are that the applicant-Late Shri Ram Kumar was serving as Safaiwala in Ordnance Factory at Kanpur. He died on 18.10.1991 about which a report was lodged that he was murdured. The Police submitted ~~his~~ final report, however, on protest lodged by the mother of deceased employee, the matter was re-investigated and it was found that Late Ram Kumar was poisoned and he died on account of that on 18.10.1991. The applicant was arrested and was sent to Jail. She was served the charge-sheet and was tried in Session Trial No.512 of 1996, in which applicant has been convicted under Section 302 I.P.C. and sentenced for Life Imprisonment and appeal of the applicant is pending before the Hon'ble High Court. Similar punishment has been given to his companion Kamlesh also. As the applicant has ~~not~~ been convicted, she is not entitled to continue in service. Even if, the order of termination is set aside, the applicant cannot be directed to be re-instated on the post. In the circumstances, we do not think that any useful purpose will be served if we enter into the controversy raised by the applicant. However, if the applicant is ultimately acquitted by the High Court in appeal, she may be

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entitled to agitate the matter again in view of
the Judgment of Hon'ble Supreme Court in case of
Captain M. Paul Antoney Vs. Bharat Gold Mines Ltd.
1999 S.C.C. (L&S) 810.

3. In the circumstances, this O.A. is
dismissed with the observations made above. No
order as to costs.


Member (A)


Vice Chairman

/M.M./