

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 405 of 2004

Allahabad this the 23rd day of April, 2004

Hon'ble Mrs. Meera Chhibber, Member (J)
Hon'ble Mr. S.C. Chaube, Member (A)

Smt. Vimla Devi, aged about 38 years, Widow of Late Brahma Chandra Mazdoor, G.E.(U) E/M, Meerut, Postal Address Village Kaliagarhi near Clinic of Dr. Sewa Ram Post & P.S. Medical College, Garh Road, Meerut, District Meerut.

By Advocates Shri P.N. Tripathi
Shri Om Veer Singh

Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Chief Engineer, Head Quarters, Military Engineering Services, Bareilly Zone, Sarvatra Road Station, Bareilly.
3. Commander, Works Engineers, 29-J, The Mall, Meerut Cantt., Meerut.
4. Major Garrison, Engineer(U) E/M, Meerut Cantt., Meerut.

Respondents

By Advocate Shri R.K. Tewari

O R D E R (Oral)

By Hon'ble Mrs. Meera Chhibber, Member (J)

This O.A. has been filed by the wife of Late Brahma Chandra who was working as Mazdoor with the respondents and was dismissed from service by order dt. 20.10.2002 (page 15). It is submitted by the applicant that her husband had filed an appeal against the dismissal order to Chief Engineer, Headquarters, M.E.S. Bareilly Zone on 07.11.2002 but the same has not been decided



till date. The case of the applicant is that her husband was denied reasonable opportunity of hearing in the inquiry in as much as he had submitted the medical certificate of himself as well as of his wife to state that he will not be able to attend the inquiry, yet the Inquiry Officer gave its finding by holding ex parte inquiry. It is further submitted by the applicant that her husband has given reminders also 05.03.2003 and on 20.01.2003, / 29.04.2003 but no reply was given to her husband. Unfortunately, her husband died on 06.12.2003 leaving behind applicant-his widow and 3 minor children. Thereafter, she also gave an application on 23.01.2004 to the authorities to decide the appeal on merits as the family members are at the verge of starvation(annexure-6) but inspite of it, respondents have not decided the appeal so far, therefore, she has no other option but to file the present O.A.

2. Since the grievance of applicant in this case is that appeal filed by her husband has not been disposed of on merits till date ^{and is} as he was dismissed from service, we feel that this case can be disposed of at the admission stage itself by giving direction to respondent no.2 to consider the appeal given by applicant's husband and to decide the same on merits by passing a detailed and reasoned order under intimation to applicant. We would like to clarify here that we have not expressed any view on merits of the case as at this stage respondents have yet to decide the appeal. The appeal shall be decided within a period of three

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months from the date of receipt of a copy of this order.
With the above directions, this O.A. stands disposed off.
No order as to costs.

Member
Member (A)

B
Member (J)

/M.M./