

(11)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 10th day of **September, 2007.**

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J
HON'BLE MR. K.S. MENON, MEMBER- A.**

ORIGINAL APPLICATION NO. 86 OF 2005

N.L. Shukla, a/a 60 years, S/o Late G.L. Shukla,
R/o H. No. 32-A, Mama Tal Maswanpur,
P.O. Rawatpur, Kanpur- 208009.

.....Applicant.

VER S U S

1. Union of India through the Secretary,
M/o Defence, Prodn. And Supplies, New Delhi- 11.
2. The Secretary,
Ordnance Factory Board, 10-A, S.K. Bose Road,
Kolkata- 1.
3. The General Manager, Ordnance Factory,
Kalpi Road, Kanpur- 208009.

.....Respondents

Present for the Applicant: Sri R.K. Shukla
Present for the Respondents : Sri S. Singh

ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, J.M.

This Original Application is filed alongwith delay condonation application by the applicant seeking following relief(s) in the O.A: -

- (i). To issue a writ order or direction in the nature of mandamus commanding the respondents to supply the copies of documents relating with disciplinary proceedings initiated against the petitioner culminating in to compulsory retirement i.e. Memo of

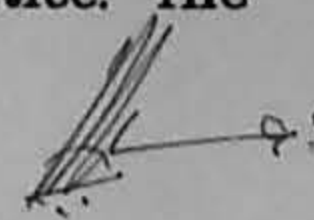


charges, composition of enquiry board and the enquiry proceedings, finding of I.O and the order of Disciplinary Authority;

(ii). To issue a writ order or direction in the nature of mandamus commanding the respondents to pay all outstanding dues such as increments, arrears from 11/91 to 12/96, OTA and Bonus for the year 1997-98 and also the G.P.F, Proportionate Pension, gratuity, group insurance and leave encashment etc. with upto date interest thereon due to the delayed payment.

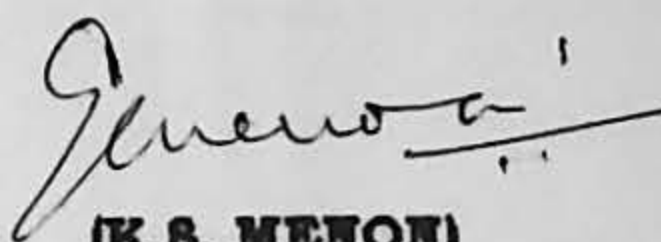
2. This O.A was filed on 28.01.2005 along with delay condonation application. In support of delay condonation application, the applicant has stated that he has requested the respondents to furnish the copy of disciplinary proceedings initiated against him. As he has received no information from the respondents, the applicant made representation dated 30.09.2004 and 04.10.2004 to the respondent No. 1. It is submitted that the respondents after completing the disciplinary proceedings, which is culminated in the compulsory retirement, is deprived of the benefit of the arrears. As the claim of the applicant was not settled by the respondents, therefore, the cause of action is continuing one, hence the delay in filing O.A may be condoned.

3. On notice, the respondents had filed their Counter Affidavit stating that having regard to the fact that the disciplinary proceedings taken against the applicant for his absent without intimating any thing. Thereafter an enquiry was constituted and information was sent to the applicant at his known address, but were not served even though subsequently at new address also, notices were sent. Left with no option the enquiry proceedings were concluded and culminated in passing the order dated 29.01.2001 of compulsory retirement from service. The



applicant has not preferred any appeal to the Appellate Authority and therefore, there is no justifiable ground to file the present O.A belatedly and sought for dismissal of the application for condonation of delay in filing this O.A.

4. We have heard the learned counsel for the parties, perused the pleadings and the materials on record. It is seen from the records that the disciplinary proceedings culminated in passing the order of compulsory retirement in the year 2001 and subsequently the applicant made representation to the respondents for supply of the copies of disciplinary proceedings and thereafter submitted representation dated 30.09.2004 and 04.10.2004 to the respondent No.1. Therefore, the applicant was aware of the fact that the final proceedings are culminated in passing the order dated 29.01.2001 and thereafter he made request to the respondents in the year 2001, as such in the absence of any justifiable ground for approaching this Tribunal belatedly, we do not find the grounds taken by the applicant in delay condonation application sufficient, accordingly M.A seeking condonation of delay in filing O.A is rejected. Consequently the O.A is dismissed. However, it is made clear that this order shall not come in the way of the respondents for passing appropriate order, if the applicant is eligible for any financial benefits in accordance with law.


(K.B. MENON)
MEMBER- A


(ASHOK S. KARAMADI)
MEMBER- J

/Anand/