

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW**

(HEARING THROUGH VIDEO CONFERENCING)

S1. No. 3

Dated: 17.12.2020

O.A. No. 332/00337/2020

Smt. Babita, aged about 43 years wife of late Shri Kamal Kishore, resident of 78, Sunar Wali Gali, Purana Ganeshganj, Lucknow-226001

By Advocate : Shri U. N. Sahai

....Applicant.

VERSUS

1. Union of India, through the Director General, Ordinance Services, MGO Branch, Army Headquarters, DGQ P.O., New Delhi-110011.
2. Director General, Ordinance services, MGO Branch, Army Headquarters, DHQ P.O., New Delhi-110011.
3. Army Ordinance Core (Records), Pin 900453 Co 56 APO through its Commanding Officer.
4. MGAOC, HQ Central Command, Cantt., Lucknow-226002.
5. Chief Record Officer, AOC Records, PIN 90053 C/o 56 APO.

6. Officer in Charge, Central Command Stationery Depot Cell, Cantt, Lucknow-226002.
...Respondents.

By Advocate : Smt. Prayagmati Gupta

ORDER (ORAL)

HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A)

This O.A. was filed in this Tribunal on 15.12.2020 and was taken up for hearing today in accordance with the directions of the Hon'ble High Court at Allahabad (Lucknow Bench) in its order dated 14.12.2020 in W.P. No. 24310 (S/S) of 2020.

2. This is a Division Bench matter. Division Bench is not convened today.

3. Issue notice to the respondents. Smt. Prayagmati Gupta accepts notice on behalf of all the respondents and seeks eight weeks' time to file CA reply.

4. Miscellaneous Application No. 1263 of 2020, filed by the respondents for taking a letter A/24003/CC/OS-8C(i), dated 16.12.2020 on record is accepted as learned counsel for the applicant has no objection to this.

5. Both learned counsel were heard on the question of grant of interim relief. At the outset, Shri U.S. Sahai, learned counsel for applicant, stated that in view of the letter No. A/24003/CC/OS-8C(i), dated 16.12.2020 taken on record today vide M.P. No. 1263 of 2020, he would be satisfied if the

applicant is allowed to make a representation to the respondents with regard to her retention in Lucknow Station even against the lower post of LDC if necessary, and the respondents are directed to dispose of the same in accordance with their assurance in letter No. A/24003/CC/OS-8C(i) dated 16.12.2020 within a reasonable time frame.

6. Smt. Pryagmati Gupta, learned counsel for the respondents had no objection to this, but requested that in the event of such a representation being made by the applicant, the respondents may be given atleast two months time to consider and dispose of the same.

7. Looking to the aforementioned position and without entering into the merits of the case, but looking entirely to the balance of convenience in the matter, the present O.A. is disposed of at the stage of admission itself with a direction to the applicant to make a representation, in the manner desired by her, to the respondents within a week of receiving a certified copy of this order. If, such a representation is made within the stipulated period, the respondents shall consider and dispose of the same in accordance with law and their own averments made in letter No. A/24003/CC/OS-8V(i) dated 16.12.2020, bearing in mind both the precedent acknowledged in letter No. A/24003/CC/OS-8V(i) as well as the fact that the applicant is a lady who has been appointed on compassionate grounds and reportedly manages her household presently in challenging circumstances. The said representation shall be decided after affording an opportunity of personal hearing to the applicant. The entire exercise will be completed

within a period of two months after receipt of the representation from the applicant. In the interim period, the applicant shall not be disturbed from her place of posting prior to the impugned order being issued.

8. Accordingly, the O.A. stands disposed of at the admission stage itself.

9. There shall be no order as to costs.

(A.MUKHOPADHAYA)
MEMBER (A)

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