

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 166 of 1992

Allahabad this the 15th day of December, 1999

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon. 'ble Mr.M.P. Singh, Member(A)

Durga Singh, aged about 48 years, Son of Late Hanumant Singh, resident of Rajikiya Unnayan Basti, Purani Basti No.2, Kalyanpur, Kanpur, presently employed as Labour-B, Ticket No.6931, Token No.2100, Ordnance Clothing Factory(O&ld) Shahjahanpur.

Applicant

By Advocates Shri M.K. Nair
Shri M.K.Upadhyay

Versus

1. Union of India through the Secretary, Ministry of Defence Production, Government of India, New Delhi.
2. Additional Director General of Ordnance Factories, OEF Group Head Quarters, ESIC Bhawan, Sarvodaya Nagar, Kanpur.
3. General Manager, Ordnance Equipment Factory, Kanpur.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

BY Hon'ble Mr.S.K.I. Naqvi, J.M.

The applicant has come up to get set aside the departmental punishment orders which are

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outcome of the departmental inquiry against him.

2. As per applicant's case, he was subjected to departmental inquiry in which penalty of compulsory retirement was imposed upon him against which he preferred appeal and vide appellate order, the punishment has been modified to his reversion from the post of Tractor Driver Grade 'A' to the post of Labour 'B'. The applicant has also mentioned the order dated 20.10.1990 passed by the General Manager, Ordnance Equipment Factory, Kanpur directing that the period of suspension of the applicant not to be treated as period spent on duty and being aggrieved by these orders, the applicant preferred this O.A. to get these orders set aside mainly on the ground that these orders are outcome of prejudice, against the actual facts and also that he was not given any opportunity to defend himself. He has also pleaded that the orders are against the rules in this regard.

3. *of the reply*
In para-3(e), the respondents have contested the matter mentioned therein that the applicant ^{has} filed the review application on 17.5.1991 against the order of appellate authority and without ~~waiting for~~ ^{order in} getting the final ~~fate of~~ the review application, he has come up before the Tribunal and therefore, the O.A. is premature.

4. Heard, the learned counsel for the

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rival contesting parties and perused the record.

5. We find that it is not in dispute that the applicant filed the review application on 17th May, 1991 and the same has not so far been decided by the authority concerned, and the applicant has come up without ascertaining the ^{fact} ~~fact~~ of the review application.

6. We find it a fit matter to direct the respondents to decide the review petition of the ^{by reason(s) preceding order} applicant pending with them, within 8 weeks from the date of communication of certified copy of this order alongwith a copy of the review petition. With the above observation, the O.A. is disposed of. No order as to costs.

MM
Member (A)

CC
Member (J)

/M. M. /