

Central Administrative Tribunal
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 20th Day of July, 2000.

CORAM:

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

Hon'ble Mr. S. Biswas, A.M.

Original Application No. 492 of 1992.

Radhey Lal, aged about 42 years,
S/o Sri Bare Lal,
R/o Quarter No. 47/6, Type-II,
Ordnance Equipment Factory,
Hazratpur, Tundla, Ferozabad,
present employed as Supervisor 'B',
Estate and Yard Office, Ordnance
Equipment Factory, Hazratpur,
Tundla, Dist. Ferozabad.

. . . Applicant.

Counsel for the Applicant: Sri N.K. Nair, and
Sri M.K. Upadhyay, Adv.

Versus

1. Union of India, through the
Secretary, Ministry of Defence,
Department of Defence Production,
Government of India, New Delhi.
2. Additional Director General,
Ordnance Factories, (ADFOF),
O.E.F. Group Head Quarters,
ESIC- Bhawan Sarvodaya Nagar, Kanpur.
3. General Manager,
Ordnance Equipment Factory, Kanpur.

. . . Respondents.

Counsel for the Respondents: Km. Sadhna Srivastava, Adv

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. . . (contd....2)

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ORDER

(By Hon'ble Mr. S.K.I. Naqvi, J.M.)

Sri Radhey Lal has filed this application under section 19 of the Administrative Tribunal Act seeking the relief to the effect that the respondents be directed to restore the applicant to the post of Chargeman-II as on the date of initial punishment with all consequential benefits including the higher pay of the post of Chargeman Grade-II throughout.

2. As per applicant's case while he was working as Chargeman Grade-A he was subjected to departmental proceedings and awarded punishment of compulsory retirement from the service w.e.f. 30.07.1990 vide Annexure-I to the O.A. Against this order of disciplinary authority, the applicant preferred appeal, which has been decided vide order dated 27.05.1991 the copy of which has been Annexed as Annexure A-3 through which the appellate authority modified the penalty of compulsory retirement to that of reduction to the post of Lower Grade is Supervisor 'B' (NT) from the post of Supervisor 'A' (NT) for the period of 3 years. It was also provided that after this completion of this period of 3 years, he may be considered for restoration to the higher post from which he has been reverted only after expiry of 3 years of penalty period. If otherwise found fit.

3. As it comes out from the pleadings that the penalty period of reduction for 3 years expired on 27.5.1994 but the applicant hurriedly came before the Tribunal seeking relief in anticipation, for which he ought to have come after approaching the authorities




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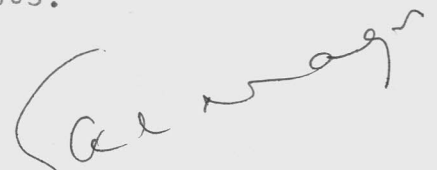
in the department.

4. With the above position in view we part with the case with the observation that in a case, applicant moves representation for restoration of seniority before competent authority in the department within 2 months from the date of this order, the same be entertained ignoring period of limitation and decided within 2 months, thereafter by detailed speaking and the reasoned order.

5. The O.A. is disposed with the above observations.

No order as to costs.


Member-A.


Member-J.

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