

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 1349 of 1999

this the 14th day of January 2002.

HON'BLE MR. S. DAYAL, MEMBER(A)
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Sri Ram Yadav, aged about 35 years, S/o Shri Vishwanath Yadav,
C/o Sri Raghunath Prasad, Mohalla Girdharganj, Yadav Tola,
post Kunnaraghata, District Gorakhpur.

Applicant.

By Advocate : Sri A.K. Srivastava.

Versus.

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Brg. ZRO and OC Records (Gorakhas), Kunnaraghata, Gorakhpur.
3. Adjutant, General Branch, ORF-4 Civil-P-Army Hqrs, DFOPU, New Delhi.
4. CS/SD(V), Sahayak Civilian Staff Adhikari, Org.4 (civil (P), Army Hqrs. DFOPU, New Delhi.

Respondents.

By Advocate : Sri D.S. Shukla.

O R D E R (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER(A)

This application has been filed for seeking compliance of the order of the Tribunal dated 28.8.1998 in O.A. No. 746 of 1994. The applicant has also sought setting aside the order of dismissal dated 19.11.90 and appellate order dated 2.2.1994, and to grant the benefit of continuity of service with pay and allowances.

2. we have heard Sri A.K. Srivastava for the applicant and Sri D.S. Shukla for the respondents.



3. The applicant is filing this application as a sequel of the earlier application filed by him bearing O.A. no. 746/94 in which the order dated 28.8.98 had been passed and the appellate authority was directed in the said O.A. ^{the respondents were directed to} to consider the quantum and punishment after granting an opportunity of hearing as the punishment was harsh and not commensurate with the charges levelled against him.

4. We find that the applicant has again in clause (b) of para 8 of relief clause, sought setting-aside the dismissal order dated 19.11.90 and appellate order dated 2.2.94, which had been considered and order was passed in the earlier O.A. Therefore, this part of the relief cannot be agitated again.

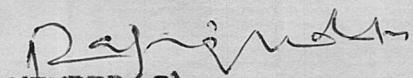
5. As regards the relief 8(a) regarding compliance of the order of the Tribunal, the learned counsel for the respondents has invited our attention to Annexure-2 to the Counter reply by which the appellate authority has stated that in disciplined forces like Army where service personnel work together with the civilian employees, indiscipline on the part of any employee cannot be ignored. Since it was established that the applicant had committed an act of gross misconduct by refusing to perform his duties, which was his trade work, no interference is called-for.

6. The learned counsel for the applicant has drawn attention to the letter dated 16.4.1999 annexed as Annexure no. 1 to the O.A. and has stated that the respondents themselves had said that his appeal dated 22.3.99 was under re-examination and he would be intimated about the same in due course. The learned counsel for the applicant states that the applicant was not aware of the reply given by the respondents by their letter dated 27.2.99 in compliance of the Tribunal's order.

7. We have considered the submissions of the learned

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counsel for the applicant. We find that the Annexure SCA-2 to the Counter reply is the letter of the applicant addressed to the Additional Director General of Recruiting, Adjutant General Branch, Army Headquarters, New Delhi, in which he has clearly referred to the letter dated 27.2.99 in response to the appeal dated 31.12.98. This Annexure also states that the applicant was submitting ^{Certain} ~~the~~ fresh points. These fresh points appeared to have been with regard to the alleged harassment of his wife Smt Baby Yadav, which were replied by the respondents vide letter dated 24.6.99. Thus, the directions given in the aforesaid O.A. by order dated 28.8.98 stands complied with. We find no merit in the O.A. and the same is dismissed. NO costs.


MEMBER (J)


MEMBER (A)

GIRISH/-