

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
CIRCUIT SITTING
AT NAINITAL

Original Application No.45 of 2002

Nainital this the 24th day of October, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Balwant Singh Rajput,
S/o Shri Ram Prasad Singh
R/o Chamanbagh, Mohalla Bhoopsingh
Jaspur, District Udham Singh Nagar.

..... Applicant.

By Advocate Shri A.D.Tripathi

Versus

1. Union of India,
through Secretary Ministry of Defence,
(Production), New Delhi.
2. Director General/Chairman
Ordinance Factories Board,
6- Esplanade East, Kolkatta.

..... Respondents.

By Advocate Shri R.C.Joshi

O R D E R (ORAL)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. filed under Section 19
of the Administrative Tribunals Act, 1985, the
applicant has prayed for a direction to the
Director General Ordnance Factories/Chairman,
Calcutta to decide the appeal of the applicant
filed on 04.07.1989 within a period of one month
by a speaking order.

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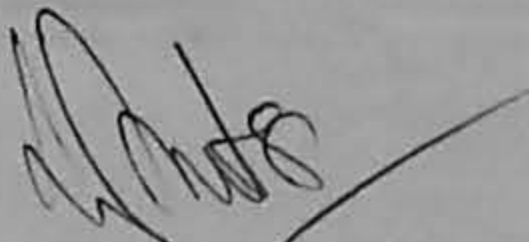
2. The facts in short are that the applicant was serving as Chargeman Grade II in Ordnance Clothing Factory, Shahjahanpur, ^{he} was transferred from Shahjahanpur to Ordnance Clothing Factory, ^{at} Abadi, Madras in Tamil Nadu. He ^{was} absented from there, for which he was charged and disciplinary proceedings were initiated. The punishment of removal was passed against the applicant on 13.06.1984, copy of which has been filed as annexure-7. Against the order of removal, the applicant filed an appeal, which was dismissed on 02.11.1988. Both the orders have become final. The applicant again filed an appeal on 04.07.1989. Learned counsel for the applicant, however, has not been able to mention ^{any} provision under which Second Appeal could be filed against the order of punishment of removal. There is no doubt about the legal ^{provision} ~~pro-~~ ^{vision} that the right of appeal is created by statute. It cannot be assumed. As the applicant has no right of appeal, the respondents were not under obligation to decide the same. Under the circumstances, it is difficult for the Tribunal to give any direction to the respondents to decide the appeal, which was not maintainable before the respondents.

3. At this stage, the counsel for the applicant has submitted that the applicant was not paid any amount which was due to him after removal from service. For this purpose, the applicant may make a representation before the authority concerned, and if such representation is filed, same shall be considered and decided by a reasoned order within a period of 3 months....pg.3/-

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4. Subject to aforesaid, this O.A. has
no merit and is accordingly dismissed. No order
as to costs.



Member (A)



Vice Chairman

/M.M./