

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 04th day of April 2002

ORIGINAL APPLICATION NO. 332 of 2002.

Hon'ble Maj Gen K.K. Srivastava, Member (A)  
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Om Prakash Singh, S/o Sri R.L. Singh,  
Ex-Store Keeper, 765 Mahabir Puri, Shiv Kuti,  
Allahabad.

... Applicant

By Adv : Sri D.B. Yadav

V E R S U S

1. Union of India through its Secretary,  
Ministry of Defence, New Delhi.
2. Director General Ordnance Services ( OS- 8 C )  
Army H. Qrs., DHQ, P.O. New Delhi.
3. Officer Incharge A OC Records Trimulgherry  
P.O. Secundrabad.

... Respondents

By Adv : Sri V.V. Mishra

O R D E R

Hon'ble Maj Gen K.K. Srivastava, AM

In this OA filed under section 19 of the A.T. Act, 1985, the applicant has challenged the punishment order of compulsory retirement dated 13.6.01 (Ann 1) and has prayed that the impugned punishment order dated 13.6.2001 be quashed and direction be issued to the respondents to stay the operation of the order dated 13.6.2001. He has also prayed that the respondents be directed to pay full pay and allowances from the date of suspension till he <sup>has</sup> taken on duty with all consequential benefits and also that respondents no. 2 to decide the appeal of the applicant dated 31.7.2001.

...2/-

2. The facts, in brief giving rise to this OA are that the applicant was appointed on 28.10.1983 in Ordnance Depot Fort, Allahabad as store keeper. The applicant was placed under suspension by order dated 18.10.1997. He was served with a memo of charge dated 6.1.1998. The enquiry was conducted and after the completion of the enquiry the impugned punishment order dated 13.6.2001 was issued imposing the penalty of compulsory retirement from service. Against this order, the applicant preferred an appeal to the appellate authority i.e Director General Ordnance Services (in short DGOS), Army H. Qrs. on 31.7.2001 which still remains to be decided.

3. Heard Sri D.B. Yadav, learned counsel for the applicant and Sri V.V. Mishra, learned counsel for the respondents and perused records.

4. Sri Yadav, submitted that injustice has been done with the applicant by punishing him with compulsory retirement. Principle of natural justice have been violated. The applicant was not given full opportunity to defend himself.

5. Contesting the claim of the applicant Sri V.V. Mishra, submitted that the appeal of the applicant dated 31.7.2001 is still pending. The applicant should have approached this Tribunal after he had exhausted the remedy available to him to him, which he has not.

6. We have given due consideration to the submissions made by learned counsel for the parties and we find force in the submission of learned counsel for the respondents.

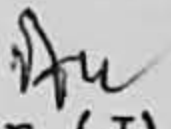





As per Section 20 of the A.T. Act, 1985, the applicant has to approach this Tribunal only after availing all the remedy available to him under the relevant service rules as to redressal of grievance. We are of the view that the ends of justice will meet if the appeal of the applicant dated 31.7.2001 (Ann 8) is decided within specified time.

7. In view of the above discussion the O.A. <sup>is disposed of</sup> finally with the direction to respondent no. 2 to decide the appeal dated 31.7.2001 of the applicant within 3 months from the date of communication of this order.

8. There shall be no order as to costs.

  
Member (J)

  
Member (A)

/pc/