

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Original Application No. 778 of 2002

this the 27th day of August '2002.

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member(J)
Kripa Shanker Sharma, S/O Sri Bhagwan

Saran Sharma, R/o 111/455, Bramha Nagar,
District Kanpur Nagar, U.P.

At present working on the post of Fitter HS-2,
18, Mag Small Arms Factory, Kalpi Road, Kanpur.

.....Applicant

By Advocate : Sri P.C. Shukla

Versus

1. Union of India through Secretary,
Ministry of Defence, Department of Defence,
Production and Supplies, D.H.Q.P.O. New Delhi.
2. Additional D.G.O.F./Member Appellate Authority,
Government of India, Ministry of Defence,
Ordinance Factory Board, 10-A, Saheed Khudi Ram
Bose Road, Kolcutta-700001.
3. The General Manager,
Small Arms Factory, Kalpi Road, Kanpur.
4. Inquiry Officer, Works Manager/ P.L. Small
Arms Factory, Kalpi Road, Kanpur.

.....Respondents

By Advocate : Sri C. Prasad for Sri N.C. Nishad

ORDER (Oral)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed for a direction
to decide the revision filed on 28-3-2001 through
proper channel, and is pending before the respondent No.1.

[Signature]


Directions have also been sought for setting-aside the orders dated 30-6-2000 and 12-2-2001 passed by the disciplinary authority and appellate authority respectively

2. The applicant was proceeded ^{against} by the respondent No.3 for gross mis-conduct by resorting ^t gambling during duty hours and wasting Governments time in barrel parting shop which was a place where he was found gambling. He was subjected to reduction from the stage of Rs.4200 to Rs.4000/ for a period of one year. His appeal against the order of punishment was rejected. Thereafter, he filed a Revision addressed to the Secretary, Ministry of Defence, Department of Defence production & Supplies, Govt. of India, New Delhi, on various grounds. This revision is still said to be pending with the respondents.


3. The arguments of the P.C.Shukla, counsel for the applicant and Shri C.Prasad brief holder for Shri N.C Nishant, counsel for the respondent have been heard.

4. Since the revision filed by the applicant is said to ^{be} pending with the Ministry of Defence, as admitted in Para 16 of the counter apply filed by the respondents, it would meet the ends of justice if the respondents are directed to ^{decide} the revision dated 16-8-2001 filed by the applicant on merits. ~~Within~~ a period of three months from the date of receipt of copy of this order. We order accordingly.

5. The OA stands disposed of as above. No costs.


Member (J)

Girish/-


Member (A)

at 778/02

or

ms. 69/93 A¹W
by festat. for
orders of 20 11/02.

submit

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22.1.2003

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

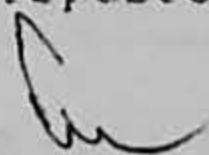
HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Heard Shri N.C.Nishad counsel for the respondents.

By order dated 27.8.02 passed in OA 778/02 direction was given to respondent no.1, Union of India through Secretary Ministry of Defence, Department of Defence Production & Supplies, New Delhi to decide the revision application filed by applicant on 28.3.01. The aforesaid revision application was filed against the punishment order dated 30.6.2000 which was confirmed in appeal on 12.2.01. As revision was not decided expeditiously, OA was filed for direction to decide the same. The Tribunal granted three months time to decide the revision by order dated 27.8.02. As clear from the record the revision was filed on 28.3.01. Roughly two years have passed but this long period proved short for the respondents to decide the revision and this application has been filed seeking further three months time.

Hon'ble Supreme Court in case of 'S.S.Rathore Vs.State of Madhya Pradesh, AIR 1990 SC pg 10 has directed that departmental appeals^s and revisions should be decided by departmental authorities within a period of three months to six months. In the present case, long and inordinate delay has already been ^{caused} ~~caused~~ by the department in deciding the revision. There is no justification for granting further time. However, in the interest of justice and to avoid multiplicity of the proceedings, reluctantly we are granting one month time to decide the revision from the date a copy of this order is filed. We hope that in future such delays will be avoided.

MA 69/03 is disposed of.



MEMBER(A)



VICE CHAIRMAN

22.1.2003

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Heard Shri N.C.Nishad counsel for the respondents.

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