

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 04th day of JULY 2003.

Original Application no. 852 of 2002.

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

Ahmar Hussain, S/o late Qaishar Hussain,  
R/o M.I.G. 31, K.D.A., Colony, Jajmau,  
Kanpur Nagar.

... Applicant

By Adv : Sri R.K. Shukla

Versus

1. The Union of India, through the Secretary,  
Ministry of Defence, Deptt. of Defence Production,  
NEW DELHI.
2. The Addl. D.G.O.F.,  
Ordnance Equipment Fys. Group HQrs.,  
'Ayudh Upaskar Bhawan,' G.T. Road,  
KANPUR.
3. The General Manager, Ordnance Equipment Factory,  
KANPUR.

.... Respondents

By Adv : Sri G.R. Gupta

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 dated 24.11.2000 removing the applicant from service and also the appellate order dated 13.7.2001 confirming the penalty awarded by the Appellate Authority and has prayed for quashing of the same.

2. The facts of the case, in short, are that the applicant was appointed in the respondents establishment as unskilled labour on 15.7.1991 on compassionate grounds. As per applicant he was keeping extreme bad health and financial condition of

his family is poor. The applicant fell ill on 17.1.2000 and due to his self sickness, he had to be under constant treatment upto 11.6.2000. When he reported for duty on 12.6.2000 he submitted the required medical certificate. He was medically examined in the factory hospital and was declared fit to resume his duties on 16.6.2000. During his absence a press notification was issued on 17.5.2000 regarding the applicant's unauthorised absence. The applicant sent his reply through registered post on 26.5.2000 (Ann A6). On applicant's rejoining he received charge sheet dated 25.3.2000. The Enquiry Officer <sup>h</sup>hold the enquiry on 1.8.2000 and submitted his report, on the basis of which the applicant was removed from service vide impugned order dated 24.11.2000. The applicant filed appeal before D.G. Ordnance Factories, Group Headquarters on 4.1.2001. The same has been rejected by the impugned order dated 13.7.2001 (Ann A2). The applicant filed Revision Petition on 3.9.2001 (Ann A9). Since the applicant did not hear anything from the Revisionary Authority for more than 9 months, he filed this OA, which has been contested by the respondents by filing counter affidavit.

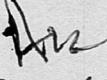
3. Sri R.K. Shukla, learned counsel for the applicant submitted that the fact can be verified that the applicant has been keeping <sup>h</sup>indifferent <sup>h</sup>health which has <sup>h</sup>led to his absence from duty on a few occasions. Learned counsel for the applicant submitted that the case of the applicant merits sympathetic consideration as the family of the applicant is in indigent condition and his appointment was on compassionate grounds.

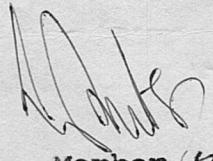
4. Resisting the claim of the applicant Sri G.R. Gupta, learned counsel for the respondents submitted that the applicant is <sup>h</sup>habitual absentee and is not fit to be retained in service.

3.

5. We have heard learned counsel for the parties, considered their submissions and perused records. In our opinion the ends of justice shall be better served, if the Revisionary Authority is directed to decide the Revision Petition of the applicant dated 3.9.2001 by a reasoned and speaking order.

6. We, therefore, dispose of this OA with the direction to the Revisionary Authority to decide the Revision Petition of the applicant within a period of three months by a reasoned and speaking order. The Revisionary Authority while deciding the Revision Petition of the applicant may <sup>consider the</sup> consider the various aspects regarding compassionate appointment as well as the family circumstances as brought out in the Revision Petition. With the above the OA is finally disposed of with no order as to costs.

  
Member (J)

  
Member (A)

/pc/