

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 12th day of September 2002.

Original Application no. 1022 of 2002.

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

Ashok Kumar Saxena,
S/o late Sri RS Saxena,
R/o D-19 Employees State Insurance Corporation Colony,
Sarvodaya Nagar, Kanpur.

... Applicant

By Adv : Sri R Trivedi,

Versus

1. Union of India through Secretary,
Ministry of Labour, Govt. of India,
New Delhi.
2. Director of Administration/Additional Commissioner (P&A),
Head Quarters Office, Employees State Insurance Corporation,
Panchdeep Bhawan, Kotla Road, New Delhi.
3. Regional Director, Disciplinary Authority,
Regional Office, Employees State Insurance Corporation,
Panchdeep Bhawan, Sarvodaya Nagar, Kanpur.

... Respondents

By Adv : Sri PK Pandey

ORDER

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

In this OA, filed under section 19 of A.T. Act, 1985, the applicant has challenged the order dated 16.1.2002, by which the applicant has been compulsory retired from service and has prayed that the impugned order dated 16.1.2002 be quashed and respondents be directed to allow the applicant to continue in service.

....2/-



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2. The facts, in short, giving rise to this OA are that the applicant was employed in the respondent's establishment on the post of Lower Division Clerk w.e.f. 17.2.1979. He was promoted as Upper Division Clerk in May 1989. On 29.5.1992 an FIR was lodged against the applicant and some other persons in Kakadeo, Police Station, Kanpur City. In the FIR it was alleged that about 100 employees of the State Insurance Corporation, Kanpur Nagar, forcibly entered in the chamber of the then Regional Director and they committed misconduct by manhandling and threatening the then Regional Director. On the basis of the FIR a criminal case no 4084/99 was registered in the Court of Metropolitan Magistrate, Kanpur. By order of Metropolitan Magistrate dated 11.1.2001 (Ann 2), the applicant has been acquitted. Meanwhile, the applicant was charge sheeted on 20.11.1992 on similar charge. The inquiry was conducted, and the inquiry report was submitted, Copy of inquiry report was served upon the applicant and ultimately the impugned punishment order dated 16.1.2002 was passed by the Disciplinary Authority, awarding punishment of compulsory retirement. Against the said punishment the applicant submitted an appeal on 14.2.2002 (Ann 12) before respondent no. 2.

3. Learned counsel for the applicant submitted that the appeal of the applicant, though filed more than 6 months before has not been decided and the applicant's apprehension that he would be dispossessed of the Government accommodation which he has been occupying he has accepted.

4. Sri P K Pandey, learned counsel for the respondents while contesting the claim of the applicant submitted that there are orders ^{regarding retention} of Govt. accommodation and the respondents ^{would take} ~~are taking~~ action as per rules on the subject.

...3/-


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5. We have considered the submissions of learned counsel for the parties and perused record. In our opinion the ends of justice shall be better served if the respondents are directed to decide the appeal of the applicant within specified time.

6. In view of the aforesaid, we direct respondent no. 2 to decide the appeal of the applicant ⁱⁿ dated 14.2.2002 (Ann 12) within a period of two months ^{by} ⁱⁿ reasoned and speaking order ^{from the date of} communication of this order. The respondents are also directed not to take any action to dispossess or ^{from the Govt accommodation} otherwise till the appeal of the applicant is finally decided.
A

7. There shall be no order as to costs.


Member (J)


Member (A)

/pc/