

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.

RA/M.A./O.A./ T.A./ 187 198<sup>90</sup>

m m Gojara Applicant (s).

BB Gogia Adv. for the  
Petitioner (s).

Versus

Union of India & Ors Respondent (s).

B K Kach Adv. for the  
Respondent (s).

SR. NO.	DATE.	ORDERS,
		<p>Non permitting to resume duty (Copy not served)</p> <p>RPAID received from Applicant</p> <p>15/6/90 RPAID recd. from Adv. for Applicant - filed in OA/129,175/87</p> <p>15/6/90 " " " Respo. NO. 2 &amp; 3</p> <p>3/7/90 (No one bench is available)</p> <p>10/7/90 CR Only one copy of judgement is attached.</p>

Shri Gajera Madhybhai Manjibhai  
Mota Ujada Village,  
Kankavav Taluka,  
Amreli District.

... Applicant

Versus

1. Union of India  
Through:  
Secretary,  
Customs & Central Excess Deptt.,  
Government of India,  
New Delhi.
2. Director General of Resettlement,  
Ministry of Defence,  
Government of India,  
West Block II,  
R.K.Puram,  
New Delhi.
3. Dy. Collector (P&E)  
Customs & Central Excise Deptt.,  
Rajkot.

... Respondents

CORAM : Hon'ble Mr.M.M. Singh : Administrative Member  
Hon'ble Mr.N.R.Chandran : Judicial Member


Date : 10/7/1990


Per : Hon'ble Mr.N.R. Chandran : Judicial Member

The applicant was ex-Serviceman who have been discharged from the Army Service. Subsequently he was given an offer of appointment on 20th August, 1989 and on 12th September, 1989 the 3rd Respondent informed that the applicant has been relieved from the Army Service being in-efficient soldier as per the discharge certificate. Therefore, he did not issued the actual order of appointment and referred the matter to the Director General of Resettlement, Ministry of Defence, Govt. of India, New Delhi seeking the guidance in the matter. The applicant has now filed this application contending that he was not discharged for being an inefficient soldier under Article 13 (3) Item III (V), that he was discharged because he was injured having lost his middle finger. According to him, there is no progress in this matter and therefore, even though he has been given an offer of appointment the same is being withheld FOR IRRELEVANT REASONS.

We have heard the learned counsel for the applicant. In view of the facts narrated above, the only relief that can be given to the applicant is to direct the second respondent viz., the Director General of Resettlement, Ministry of Defence, to give a reply to the third respondent as to the correct status of the applicant namely whether he ~~he~~ was discharged as an inefficient soldier and, if not, the reasons for the discharge. This reply should be given by the second respondent, within a period of one month from the date of receipt of a copy of this order. After the receipt of the reply from the second respondent, the third respondent should pass a speaking order within two weeks from the date of receipt of the reply from the second respondent. If the applicant is aggrieved by any order that may be passed by the respondents as per the above directions, the applicant is at liberty to approach this Tribunal with a proper prayer.

Subject to the above direction, the O.A. is dismissed.

  
(N.R. CHANDRAN)  
JUDICIAL MEMBER

  
(M.M. SINGH)  
ADMV. MEMBER.