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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00868 OF 2016
Cuttack, this the 7th day of December, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Netrananda Bag, aged about 48 years, Son of Lalit Mohan Bag, Vill/PO: Chalki, PS: Muribahal, Dist-Bolangir.

...Applicant
(By the Advocate-M/s. L. Pradhan, D. P. Das)

-VERSUS-

Union of India Represented through

1. Secretary, Govt. of India, Department of Defence (Production), Ministry of Defence, South Block, DHQ, New Delhi-110011.
2. Additional D. G. O. F. and Member, Appellate Authority, Ordnance Factory Board, 10-A, S. K. Bose Road, Kolkata-700001.
3. General Manager-cum-Disciplinary Authority, Ordnance Factory, Badmal, At/PO: Badmal, Dist- Bolangir-767070.

...Respondents
By the Advocate- (Mr. B. Swain)

O R D E R (ORAL)

A.K.PATNAIK, MEMBER(J):

Heard Mr. L. Pradhan, Ld. Counsel appearing for the applicant and Mr. B. Swain, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant who, while working as Labour (SS) has been removed from service vide Memo No.278 dated 07.07.2007 on account of a Disciplinary Proceeding initiated against him. It is the case of the applicant that the aforesaid order had not been received by him as he was suffering from mental illness. After being cured he could come to know about the removal order during the third week of May, 2015 and after due enquiry and consultation with the Trade Union Office, he



preferred an appeal before the Appellate Authority against the order of removal from service dated 07.07.2007 vide Annexure-A/1 on 26.05.2015. It is stated that this appeal is still pending consideration by the Respondent No.2 since May, 2015. In the above background, applicant has moved this Tribunal in the instant Original Application under Section 19 of the Administrative Tribunal Act, 1985 with a prayer for a direction to the Respondent Nos.2 & 3 for early disposal of the appeal dated 26.05.2016 (Annexure-A/2).

3. As it is stated by Mr. Pradhan that the appeal preferred by the applicant is pending consideration, I am not inclined to admit this O.A. at this stage. Therefore, without expressing any opinion on the merit of the matter, I dispose of this O.A. at the stage of admission itself by directing Respondent No.3 that if any such appeal has been preferred and received, the same shall be considered and disposed of in the light of the extant rules and instructions and decision thereon communicated to the applicant by way of a reasoned/speaking order within a period of two months from the date of receipt of copy of this order. At the same time, I cannot lose sight of the fact that the Appeal which has been so preferred by the applicant, after a long lapse of 08 years of the passing of the order of removal dated 07.07.2007. However, the matter is left open to Res.No.2 to take into consideration this aspect of the matter while communicating the decision on the appeal.

4. Though I have not expressed any opinion on the merit of the matter all the points raised in the appeal shall be considered as per Rules and Regulations in force. If, after such consideration it is found that the

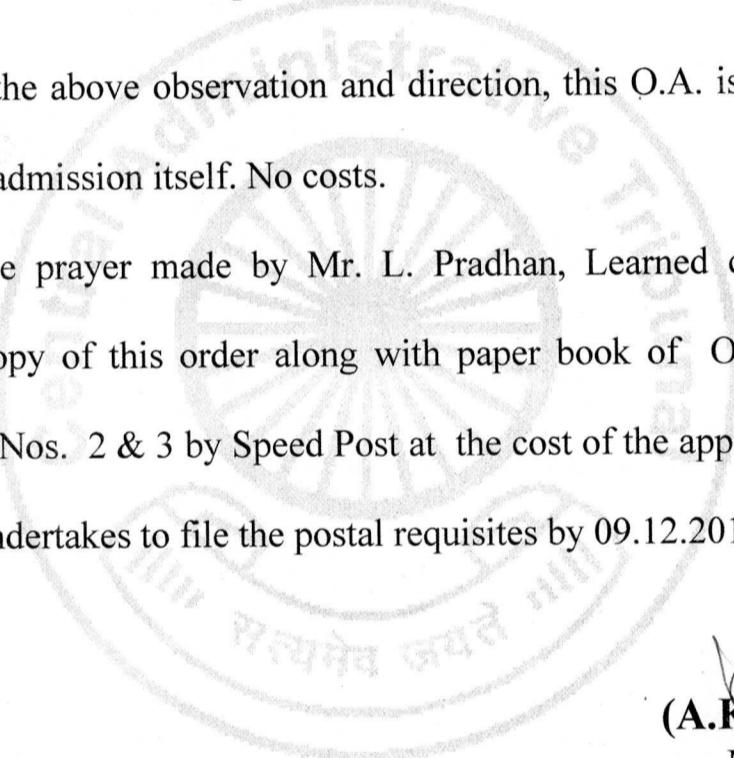


applicant is entitled to the relief claimed by him then the same may be extended to him expeditiously within a further period of three months from such consideration.

5. However, it is made clear that if in the meantime the said appeal representation has already been considered and disposed of then the result of the same be communicated to the applicants within a period of four weeks from the date of receipt of copy of this order.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. L. Pradhan, Learned counsel for the applicant, copy of this order along with paper book of O.A. be sent to Respondent Nos. 2 & 3 by Speed Post at the cost of the applicant for which Mr. Rout undertakes to file the postal requisites by 09.12.2016.



(A.K.PATNAIK)
MEMBER(J)

K.B.