

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

Miscellaneous Petition No.30/87.  
in Original Application No.304/86.

Shri S.M.A.Sayed Badesah,  
5362, Hatampura,  
Ahmednagar City,  
Ahmednagar - 414 001.

... Applicant

V/s.

1. The Union of India through the  
Secretary to the Govt. of India,  
Ministry of Defence,  
New Delhi.
  2. The Director General of Ordnance Factory,  
10-A Auckland Road,  
Calcutta - 700 001.
  3. The General Manager,  
Ammunition Factory,  
Kirkee, Pune, 411 003.
- ... Respondents.

Coram: Hon'ble Vice-Chairman, B.C.Gadgil,  
Hon'ble Member(A), J.G.Rajadhyaksha.

Appearances:

Mr.V.S.Khedkar,  
advocate for the  
applicant and  
Mr.M.I.Sethna Counsel  
for the Respondents.

Oral Judgment:

Dated: 3.6.1987.

(Per B.C.Gadgil, Vice-Chairman)

Heard Mr.Khedkar for the applicant and  
Mr.M.I.Sethna for the Respondents. This is a  
sorry state of this litigation. We have passed an  
order in O.A. 304/86 that the appeal should be decided  
within 3 months from 29.10.1986. The applicant  
is residing at Ahmednagar and the Appellate Authority  
wants the applicant to go to Calcutta for getting  
personal hearing in the appeal. The impugned order  
is of compulsory retirement. It is really inhuman  
to ask the applicant to go to Calcutta for getting  
personal hearing. In fact the Department also  
understood this difficulty and has by a telegram asked  
the applicant to give a suitable date between 19th


...2.

January, and 24th January for personal hearing at Kirkee. This has not been done though the applicant has communicated 24th January as the date convenient to him. On the contrary the Appellate Authority fixed the hearing of the appeal at Calcutta in the month of April, 1987. Secondly, the pensionary benefits arising out of the compulsory retirement have not been granted to the applicant. We pass the following specific orders:

O R D E R

1. The appeal should be heard at Kirkee within 45 days from to day and the Appellate Authority has to give 15 days' prior intimation to applicant about the date of hearing at Kirkee.
2. The Respondents are directed to make appropriate payment of the pensionary benefits, settling pension, gratuity etc. on the basis of the impugned order of compulsory retirement within 30 days from to day and if for some technical reasons the Respondents are not able to do so within this time, they must at any rate start making the payment of provisional pension within 30 days from to day.

We would like to make it expressly clear that any disobedience of this order would entertain initiation of contempt proceedings against the concerned officers. With these directions Miscellaneous Petition No.30/87 is disposed of.

  
(B.C.GADGIL)  
VICE - CHAIRMAN

  
(J.G. RAJADHYAKSHA)  
MEMBER (A).

Dated: 3.7.1987:

Miscellaneous Petition No.283/87 is submitted by Mr.J.D.Desai, the learned advocate for the Original Respondents. The request is made therein for extension of time to give personal hearing to the original applicant and to decide the appeal. A Telex Message which is attached to the application indicates that the Appellate Authority is required to be in Delhi for some important Defence Production Meeting and will not be able to give a personal hearing before 18.7.1987 in terms of our orders dt.3.6.1987. The Telex suggests extension of a months' time. We appreciate the problem of the Appellate Authority but we are not happy at the turn of events. We suggest that a notice of personal hearing may be issued as early as possible and the hearing kept 15 days after thereafter. We expect the hearing to be held on or about 22nd July, 1987. We will also give a week's time thereafter for a decision on that Appeal. In other words, we expect finalisation of the Appeal by 31.7.1987.

/know

As for the second paragraph of the operative part of our order we are informed that Pension Papers have been sent to Treasury. We do not/however, whether the actual payment of provisional pension has commenced. We would like the Respondents to ascertain the position before the next date.

We fix the matter on 5th of August,1987 for further directions by which date Respondents should be in a position to submit a report of compliance of our orders. S.O. to 5.3.1987.

J.G. RAJADHYAKSHA)  
MEMBER(A)

(M.B. MUJUMDAR)  
MEMBER(J).

P.T.O