

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.378/2000.

Friday, this the 2nd day of March, 2001.

Coram: Hon'ble Justice Shri Ashok Agarwal, Chairman,  
Hon'ble Smt. Shanta Shastry, Member (A).

Smt. Nanda Deva Gaikwad,  
H.No.9, Rajiv Gandhi Nagar,  
Khadaki,  
Pune - 3.  
(By Advocate Shri J.M.Tampure) ... Applicant.

Vs.

1. Union of India,  
through the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 001.
2. The General Manager,  
Ammunition Factory, Khadaki,  
Pune - 411 003.
3. The Director General of Ordnance  
Factories,  
Ordnance Factory Board, 10-A,  
Shaheed K.B.Road,  
Calcutta - 700 001. ... Respondents.

(By Advocate Shri R.R.Shetty)

: ORDER (ORAL) :

{Per Smt. Shanta Shastry, Member (A)}

The applicant's husband was working in the office of the Respondents as a Labourer from 1973 onwards till 16.10.1996, when a penalty of removal from service was imposed upon him for unauthorised absence after holding an ex parte enquiry against the applicant's husband who never participated in the enquiry proceedings before imposition of the penalty of removal. Thereafter, the applicant filed an appeal to the Respondents on 11.2.1999, her appeal was rejected by the Appellate Authority on 23.7.1999 by a speaking order. According to the applicant her

...2.

husband was mentally unsound and she had produced the medical certificates. However, the Appellate Authority found that the medical certificate produced by the applicant pertained to 1990, whereas the applicant's husband had remained absent from 8.9.1994. She also pleaded that her late husband did not know about the memo or order of removal dt. 16.10.1996. All the grounds were taken into account by the Appellate Authority and finally the applicant's appeal was rejected. It is against this rejection of the appeal that the applicant has approached this Tribunal seeking retiral benefits and also to set aside the penalty of removal or to modify it to that of compulsory retirement, so as to make her entitled for retiral benefits.

2. The learned counsel for the applicant stressed on the fact that the applicant's husband was mentally unsound and he was not traceable, a complaint had also been made with the Police and the Police had informed on 17.7.1998 that the applicant had lodged a complaint on 8.6.1997 that her husband had disappeared. The Police had made the necessary investigation and closed the case on the basis of death certificate produced in respect of the applicant's husband dt. 1.6.1998. The applicant has pleaded that her husband did not know anything about his removal or even the notice of enquiry etc. He had put in 21 years of service and so she is entitled to pensionary benefits.

3. It is clear from the Appellate Authority's order that the applicant had disappeared from the scene from 1994 onwards. He was removed from 16.10.1996, but while he was alive, he never made any appeal on his own. He died on 1.6.1998, so he had

almost two years time when he could have appealed against. The applicant (wife) appealed on 1.2.1999. Thus, there is no substance in this application. ~~as~~ Being devoid of merits, the OA is dismissed. No costs.

*Shanta S*  
(SHANTA SHAstry)

MEMBER(A)

*Ashok Agarwal*  
(ASHOK AGARWAL)  
CHAIRMAN

B.