

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.72/1997

Dated this, the 3rd Day of August, 2001.

Smt. L.S. Gaikwad . . . . . Applicant  
(Applicant by Shri R.C. Ravalani, Advocate)

Versus

UOI & Ors. . . . . Respondents

(Respondents by Shri R.K.Shetty, Advocates)

CORAM:

HON'BLE SHRI B.N. BAHADUR, MEMBER (A)  
HON'BLE SHRI S.L.JAIN, MEMBER (J)

- (1) To be referred to the Reporter or not? *yes*
- (2) Whether it needs to be circulated to *no*  
other Benches of the Tribunal?
- (3) Library: *yes*

*S.L. Jain*  
(S.L.Jain)  
Member (J)

sj\*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI.

O.A.No.72/1997

DATE OF DECISION: 3.8.2001

CORAM: HON'BLE SHRI B.N.BAHADUR, MEMBER (A)  
HON'BLE SHRI S.L.JAIN, MEMBER (J)

Smt. Leela S. Gaikwad  
Ex. Senior Nurse, Gr.II/OFH  
Ammunition Factory, Khadki, Pune-3  
Residing at : Parimal Bldg. No.33/9  
Sector-21, Scheme-11, Yamuna Nagar,  
Nigadi - PUNE- 411044.

.... Applicant

(Applicant by Shri R.C. Ravalani, Advocate):

vs.

1. Union of India  
through: The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 011.

2. The Chairman,  
Ordnance Factories Board  
10-A, Auckland Road,  
Calcutta.

3. The General Manager,  
Ammunition Factory,  
Khadki, Pune, 411 003.

... Respondents

(Respondents by Shri R.K.Shetty, Advocate):

O R D E R (ORAL)

[Per: S.L.Jain, Member (J):]

This is an application made under section 19 of the  
Administrative Tribunal's Act seeking the following reliefs:

"8(a) declare the common-proceedings of enquiry  
as void/vitiated;

(b) quash and set aside the punishment order,

(c) direct the Respondents to re-instate the applicant.

(d) direct the Respondents to treat the applicant 'on duty' with effect from the date removal, and pay the arrears of pay and allowances.

(e) award the cost of this O.A.

(f) pass any other orders, as deemed necessary and proper, in the interest of justice.

2.      The Applicant has preferred an appeal on 8.2.1996, against the order of the Disciplinary Authority and the same has not been decided. Hence the applicant has filed this O.A. on 13th December, 1996 seeking the above reliefs. In a case where the applicant comes to the Tribunal due to nonaction or inaction of the Respondents a Writ of Mandamus does lie, and the relief which can be provided to the applicant is only a direction to the Respondents to act as per law. The Respondents have failed to decide the appeal during the prescribed period of six months.

In such circumstances we direct the Respondents to decide the appeal within a stipulated period.

2. We have gone through the record and we are of the opinion that the matter is pending since 1985. The applicant has come to the Tribunal two times earlier also. Hence it is necessary to direct the Respondents to follow the direction as stated under:-

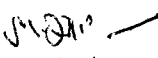
(1) The Respondents to decide the appeal against the order of the disciplinary authority within two months from today and no further extension of time in this respect will be provided.

(2) In case the Applicant is aggrieved by the decision of the appellate authority and occasion arises for pursuing the remedy before the Tribunal, her case for early hearing shall be considered keeping the facts stated in the order if an Application is filed in the Tribunal.

(3) All questions on merits are left open.

(4) We further direct the Respondents to pay a cost of Rs.500/- to the Applicant within a period of 2 months from today.

3. The O.A. stands disposed of.

  
(S.L.Jain)  
Member(J)

sj\*

  
(B.N.Bahadur)  
Member (A)