

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A.No. 468/2001

Date: 21.11.2002

Hon'ble Mr. G.C. Srivastava, Member (A)

Hon'ble Mr. M.L. Chauhan, Member (J)

Badli widow of Shri Harji, aged about 53 years,
Gangman PWI Construction Ajmer under Dy. Chief Engineer
Construction, Ajmer presently residing Railway Loco
Colony, Western Railway, Jaipur.

.... Applicant

(By Advocate: Mr. Nand Kishore)

Versus

1. Union of India through General Manager,
Western Railway, Churchgate, Mumbai - 20.
2. The Chief Project Manager, Western Railway,
Construction Department, in front of Division
Railway Hospital, Western Railway, Jaipur (Raj.)
3. The Dy. Chief Engineer, Western Railway,
Construction, in Front of Divisional Railway
Hospital, Jaipur.

.... Respondents

(By Advocate: Mr. Tej Prakash Shama)

O R D E R (Oral)

Hon'ble Mr. G.C. Srivastava, Member (A)

Heard Mr. Nand Kishore, learned counsel for the
applicant.

2. In this OA the applicant has sought direction to
the respondents to make payment of pensionary benefits,
Gratuity, Leave Encashment along with interest and to
take her on duty or alternatively to settle all the
claims along with salary.

Cee

3. The respondents have contested the OA and have filed a detailed reply stating inter alia that the applicant was removed from service vide order dated 17.9.98 (Annexure R-2) and she has not availed the remedy as provided under the act as she did not file any appeal/revision before the competent authority and she has not challenged the order of removal from service before any authority. Accordingly she is not entitled for any pensionary benefits.

4. Mr. Nand Kishore for the applicant submits that the fact that she was removed from service is an after thought and not within the knowledge of the applicant and it is for this reason that she could not file any appeal against the said order.

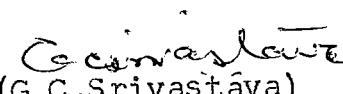
5. However, after discussion at the Bar, Mr. Nand Kishore for the applicant agrees that the applicant shall file an appeal before the competent authority against the aforesaid order of removal from service and the respondents be directed to consider the same and pass an appropriate order within a specific time frame. Under the circumstances we direct that if the applicant files an appeal against the said order of removal from service within one month from the date of receipt of a copy of this order, the respondents shall consider the same as per rules and regulations and decide the same by a reasoned and speaking order under intimation to the applicant within a period of three months thereafter. We further direct that while considering the appeal the respondents shall not raise the question of delay in filing it and shall pass an order on merits. If the applicant is aggrieved against the order passed by the

CD

respondents on her appeal, she is free to approach this Tribunal once again by filing a fresh OA after exhausting the available department remedies.

6. With the above direction, the OA stands disposed of with no order as to costs.


(M.L. Chauhan)
Member (J)


(G.C. Srivastava)
Member (A)

vtc.