

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH

Original Application No. 52 of 2005

Bilaspur, this the 28th day of July, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Ashok Kumar Lodhi
S/o Shri Heera Lal Lodhi
R/o Vill. Palampour
Post- Gunora
Distt. Hosangabad.

Applicant

(By advocate Shri S. Chakravarty)

Versus

1. Union of India through
Its Secretary
Ministry of Defence
New Delhi.
2. The Chairman
Ordnance Factory Board
Shaheed Khudi Ram Bose Marg
Kolkata.
3. The General Manager
Ordnance Factory
Itarsi, Hosangabad.

Respondents.

(By advocate Shri S.K. Mishra)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Set aside the punishment order dated 10.2.2004 (Annexure A1).
- (i) Direct the respondents to reinstate the applicant in service and also direct the respondents to grant all consequential benefits with interest.



2. The brief facts of the case are that the applicant who was working under the respondents was served with a charge sheet dated 12.6.2003 under Rule 14 of CCS (CCA) Rules, 1965. It was alleged in the charge sheet that the applicant was unauthorizedly absent from duty, irregular in attendance and was a habitual offender. The applicant denied the charges. On completion of the departmental enquiry, the presenting officer submitted his written brief. Thereupon the applicant was served with a show cause notice. It is alleged that the enquiry officer held the applicant guilty without assigning reason. There is no material in the enquiry on the basis of which workman can be held to be guilty for the alleged misconduct. The defence of the workman has nowhere mentioned in the enquiry report. The applicant preferred a detailed representation against the IO's report. After submitting the enquiry officer's report, the disciplinary authority imposed the penalty of compulsory retirement of the applicant from service with effect from 10.2.2004 (Annexure A1). Feeling aggrieved, the applicant submitted an appeal to the appellate authority on 30.9.2004 (Annexure A3). The respondents have not taken any decision on it. The applicant submitted a reminder-dated 7.12.2004 (AnnexureA4). Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the applicant has preferred an appeal against the order passed by the disciplinary authority dated 10.2.04 (Annexure A1). The applicant has also submitted a reminder. However, his appeal is still pending.

4. Heard the learned counsel for the respondents also. During the course of the arguments, the learned counsel for the respondents has submitted that the respondents be directed to decide the appeal filed by the applicant.

5. We find that the respondents have not taken a decision on the appeal filed by the applicant-dated 30.9.2004. Hence the respondents



(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

22.

पृष्ठंकन से ओ/व्या.....जवलपुर, दि.....

पत्तिलिपि वागें पित्त -

(1) सचिव, जवा आकाशवाणी केंद्र, अखिलेश्वरम, जवालपुर

(2) आवेक श्री/श्रीमती/के सं. काउंसल

(3) प्रत्ययी श्री/श्रीमती/कु सं. काउंसल

(4) कार्यपाल, के.प्र.अ., जवालपुर जवापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप राजियन्त्र

S. Chakravarty DAVBO
P.K. Mishra DAVBO

Total
2-8-65