

Central Administrative Tribunal
Jabalpur Bench

OA No.192/2005

Jabalpur, this the 21st day of July, 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

Smt.Pushpa Bai
W/o of Late Mahesh Coukey
R/o House No.680
Mandla Road, Near Bilhari Water Tank
Jabalpur.

Applicant.

(By advocate None)

Versus

1. Union of India through
Ministry of Defence,
Indian Ordnance Factories.
2. General Manager
Ordnance Factory Khamaria
Jabalpur.

Respondents

(By advocate Shri S.A.Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicants seeks to quash Annexures A1& A2 and to direct the respondents to grant her the family pension, gratuity and other service benefits and also to appoint her on compassionate grounds.

2. The brief facts of the case are that the husband of the applicant, who was employed in Ordnance Factory Khmaria, disappeared on 5.4.1991 and since then there has been no whereabouts of him. As the applicant's husband is presumed to be not alive, the applicant claimed his pensionary benefits; gratuity and other service benefits including compassionate appointment vide her application-dated 5.2.2001.



Respondent No.2 rejected the claim of the applicant on the ground that since her husband was compulsorily retired, she was not entitled to any benefit (Annexure A1). The applicant again applied claiming the aforesaid benefits and the respondents vide order-dated 15.9.2001 rejected the same. It is alleged in the application that the punishment of compulsory retirement was meted out to the husband of the applicant without giving any reasonable opportunity to the delinquent and without serving any charge sheet and hence the impugned order is illegal. Hence this OA is filed.

3. None appears for the applicant. Hence the provisions of Rule 15 of Cat (Procedure) Rules, 1987 are invoked.

4. Heard learned counsel for the respondents. It is submitted on behalf of the respondents that the husband of the applicant Shri Mahesh was employed in Ordnance Factory, Khamaria as a male sweeper. The Establishment Section had made a complaint on 11.12.91 that Shri Mahesh was absenting from duty unauthorizedly with effect from 5.4.1991. On receipt of the complaint, Shri Maeshsh was served with a charge sheet under Rule 14 of the CCS (CCA) Rules vide memo dated 2.4.92 for unauthorized absence. A copy of the memo was sent by registered post to Shri Mahesh at his recorded address. The same was returned undelivered. Thereafter, the matter was notified in the local newspaper. Thereafter, the enquiry officer conducted an exparte enquiry and the penalty of compulsory retirement was imposed on him. The applicant had lodged the missing report (FIR) at Police Station, Ghamapur, Jabalpur on 8.7.99 whereas she intimated the department about it on 5.2.2001 i.e. after a lapse of about 8 years of the alleged missing. However, the case of the applicant was thoroughly examined by the respondents with regard to the terminal benefits. Since the FIR was lodged after the imposition of the compulsory retirement, the applicant is not entitled to the benefits.

5. After hearing the learned counsel for the respondents and carefully perusing the records, I find that the applicant's husband was admittedly missing since 5.4.1991. The applicant had lodged the



missing report on 8.7.99 at police station Ghamapur while the applicant had intimated the department about it on 5.2.2001, after a lapse of 8 years. The punishment of compulsory retirement was imposed on the husband of the applicant after making a departmental ex-parte enquiry and after the charge was proved. The applicant has not challenged the order of compulsory retirement of her husband. Rather she had lodged the missing report of her husband after a lapse of 8 years. She has not filed any rejoinder controverting the facts mentioned in the reply. I have perused the reliefs claimed by the applicant in the OA. Apparently, the reliefs claimed are multiple, which cannot be claimed in a single OA.

6. Considering all facts and circumstances, I am of the considered opinion that the OA has no merit. Accordingly, the OA is dismissed.

No costs.

(Madan Mohan)
Judicial Member

aa.

पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय एवं एडमिनिस्ट्रेशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/सु के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/सु के काउंसल
- (4) जिलापाल, को.प्र.अ., जबलपुर जलपरीषद
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S.K. Mukherjee
DN 2788
S.D. Dharmadhikari
DN 2788

21-7-08