

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No 1066 of 2004

Jabalpur, this the 13th day of May, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

K.D.Rai
Son of Shri Prem Datt Rai,
Ex Lower Division Clerk,
Gun Carriage Factory,
Jabalpur
R/o C/o Smt. Asha Rai,
Sidhya Nagar,
Baba Tola road,
Near Fakir Cjand Akhada
(Jhinna), Jabalpur (M.P.)

Applicant

(By Advocate – Shri R.N. Mishra on behalf of Shri R.N. Dwivedi)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.
2. General Manager,
Gun Carriage Factory,
Jabalpur (MP)
3. Joint Director/Vig.
Ordnance Factory Board,
10-A, Auckland, Road,
Calcutta.

Respondents

(By Advocate – Shri S.K. Mishra)

ORDER (Oral)

By filing this Original Application, the applicant has sought the following main relief :-

“(i)to direct the respondents to pay all the services benefits, back wages and retiral dues to the petitioner with all consequential benefits with retrospective effect.



(ii) The respondents be also directed to pay the pension to the petitioner since 31.12.2002 when he completed the age of superannuation with back wages and interest.

2. The brief facts of the case are that the applicant was appointed as LDC in the year 1962 under the respondent-department and served till 9.5.1987. He was served with a charge-sheet vide memorandum dated 9.3.1986 and thereafter he was removed from service vide order dated 9.5.1987 (Annexure-A-1). Against the removal order dated 9.5.1987 the applicant has filed an OA No.757/89 before this Tribunal and the Tribunal has disposed of the aforesaid OA vide order dated 30.1.1992 quashing the removal order of the applicant. According to the applicant a SLP is pending in the Hon'ble Supreme Court. Till now no information has been received by him about the SLP pending in the Supreme Court against the order dated 30.1.1992. The applicant contended that in spite of the order passed by the Tribunal, in favour of the applicant, the respondents neither have taken back in service nor any service benefits have been given to him. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

4. The learned counsel for the applicant has stated that the applicant has only claimed for amount of GPF up to 9.5.1987 when the order of removal from service was passed and he is not claiming other reliefs. He further stated that the applicant will be satisfied if the respondents be directed to pay the GPF amount.

5. The learned counsel for the respondents has stated that the Hon'ble Supreme Court has allowed the SLP No.6587/92 filed by the respondents vide order dated 12.1.94. Hence, the order of Tribunal has been quashed by the Hon'ble Supreme Court.

6. After hearing and considering all the facts and circumstances of the case, I direct the applicant to file a fresh detailed representation for



payment of GPF amount before the respondents within a period of one month from the date of receipt of a copy of this order. If he complies with this, the respondents are directed to consider his representation and to pay his due amount of the GPF of the applicant ~~within three months~~ ^{within three months} from the date of receipt of a copy of such representation of the applicant if it is not already paid to the applicant.

7. With the above directions, the OA is disposed of. No costs.


(Madan Mohan)
Judicial Member

पृष्ठांकन सं. ओ/न्या..... जबलपुर, दि.....
प्रतिलिपि दोनों तिक्ता:-
(1) सरिया, उद्योगसाहस्र नगर, दुर्दीनिधन, जबलपुर
(2) आवासक दीवारी, नगर, जबलपुर
(3) प्रस्तुती श्री/ श्रीमती
(4) चांदपाल, लोपाल, जबलपुर
सूचना द्वाव आवासक दीवारी, जबलपुर

R.M.Dwivedi, AWDP
S.K.Mishra AWDP

Issued
on 31.05.05
By