

Central Administrative Tribunal
Jabalpur Bench

OA No.1085/04

Quoted, this the 22nd day of June, 2005.

C O R A M

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

Pradeep Kumar Shrivastava
S/o Late J.P.Shrivastava
C/o Davenra Paul 378
Bajrang Colony
Civil Lines, Jabalpur.

Applicant

(By advocate None)

Versus

1. Union of India through
General Manager
Gun Carriage Factory
Ranjhi, Jabalpur.
2. Divisional Officer
Workshop, Gun Carriage Factory
Ranjhi, Jabalpur.

Respondents

(By advocate Shri A.P.Khare)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks to quash the order of removal from service and to grant the wages of the interim period and other benefits like gratuity, GPF, insurance and pensionary benefits.

2. The brief facts of the case are that the applicant joined the services with respondents and was appointed a Turner 'C' in January 1965 and he served continuously up to 1974. Due to some enmity amongst the employees, a false complaint was lodged against the



applicant malafidely. A departmental enquiry was conducted against the applicant and he was served with a copy of the disciplinary action. On completion of the enquiry, the applicant was ordered to be removed from service vide letter dated 6.3.74 (Annexure A1). The applicant made several representations but nothing has been heard in response. The applicant was suffering from psychiatric disorder and was under medical treatment in various hospitals. He also sent a representation to the General Manager, Gun Carriage Factory, Jabalpur (Annexure 5) but without any result. Hence this OA is filed.

3. None is present on behalf of the applicant. Hence the provision of Rule 15 of CAT (Procedure) Rules, 1987 is invoked to dispose of this OA.

4. Heard learned counsel for respondents. It is argued on behalf of respondents that the applicant has sought to quash the order of removal from service, which was passed on 6.3.74 i.e. about 31 years ago and he has also sought the relief for his service benefits. The learned counsel stated that the applicant has not exhausted the legal remedies available to him against the impugned order. The relevant records are not traceable after a lapse of a long time. Hence the respondents are not in a position either to admit or deny the averments. Therefore, the OA is liable to be dismissed.

5. After hearing the learned counsel for respondents and perusing the records, we find that after conducting the departmental enquiry proceedings against the applicant, he was ordered to be removed from service vide order dated 6th March 1974 and he was at liberty to file an appeal according to rules. But he did not exhaust the departmental remedy. The argument advanced on behalf of the respondents that after a lapse of 31 years, the relevant records are not available with them and hence they are not in a position either to admit or deny the averments made by the applicant, seems to be correct. The applicant has not given any reason as to why he has not filed any appeal against

the initial order of punishment of removal before the competent authority.

6. Considering all facts and circumstances of the case, we are of the considered view that the OA has no merit and accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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Ashok Ghukle D2
DB
D.P. Khare D2