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CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH  
JABALPUR

Original Application No. 642 of 2004

Jabalpur this the 18th day of August, 2004  
CORAM

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. A.K. Bhatnagar, Member(J)

Smt. Nagina Begum Wife of Shri Abdul Rahim, aged about 50 years, Occupation House wife R/o Beside Footatal, popular factory/bakery near Saiyad Baba Manjhar House number 523, Post Lakargunj, Footatal, Jabalpur(M.P.)

Applicant

By Advocate Shri Bhoop Singh

Versus

1. The Union of India its Secretary, Defence Production department, New Delhi.
2. The Chairman, Ordnance Factory Board, 10-A, Alipore, Shahid Khudiram Bose Marg, Kolkata(W.B.)
3. The General Manager, Vehicle Factory, Jabalpur(M.P.)
4. The Collector, Jabalpur (M.P.)

Respondents



O R D E R ( Oral )

By Hon'ble Mr. M.P. Singh, V.C.

By filing this O.A. applicant is claiming the following reliefs:

(i) The Hon'ble Tribunal may kindly be pleased to issue a writ in the nature of mandamus certiorari or other and command the respondent and kindly quashed the termination order dated 03.08.94 passed by respondent no.3 and the order dated 23.7.04 passed by respondent no.3 G.M. who have wrongly and illegally conducted a enquiry in the back of petitioner while he was mentally unsound therefore, every action of the respondent is without jurisdiction and no legal power under

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the provision of law, the entire proceeding be declared as void invalid and against the provision of law as well as against the principle of natural justice.

(ii) The Hon'ble Tribunal further kindly be directed the respondent no.3 to get admitted in the hospital and provide all the medical treatment to the petitioner husband and provide financial help to the family for surviving including salary and other consequential benefit in the interest of justice.

(iii) The Hon'ble Tribunal further kindly be directed to the respondent to supply all the relevant documents to the petitioner, so that the actual grounds could be brought in the notice of this Hon'ble Tribunal and further be declared that the respondents have exercise the colour of power without jurisdiction, despite of petitioner is mentally unsound therefore, all the financial benefit to be extended to the petitioner under the facts and circumstances of the case.

(iv) That any other writ, order, relief or direction which deems fit and may kindly be issued in favour of petition in the interest of justice.

(v) The cost of petition may kindly be awarded."

2. Earlier the applicant has filed an O.A.No.107 of 2004 which was disposed of by this Tribunal on 26.03.04 by directing the respondents to dispose of the representation. The respondents by their order dated 23.07.2004 have disposed of the representation, and rejected the claim of the applicant. The respondents have categorically stated that there is no material evidence of injury on head that has taken place while he was on duty at any time. Learned counsel for the applicant is taking the plea that the applicant was unsound mind and he <sup>had</sup> ~~was~~ got head injury, therefore, he could not file the O.A. earlier when the

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penalty of removal from service was imposed on him on 03.08.1994. He has also not filed any application for condonation of delay in filing the O.A. Therefore, in view of the Judgment of Hon'ble Supreme Court in Ramesh Chand- Shrama etc. Vs. Udhamp Singh Kamal & Ors. 2000(1) A.T.C.178, the Tribunal cannot entertain any application unless the application for condonation of delay has been filed by the applicant. In this case no such application has been filed. In view of the fact that there is no supporting evidence of the mental sickness of the applicant and also in view of the Judgment of Ramesh Shand Shamra(supra), the O.A. is not maintainable. Hence dismissed. No order as to cost.

( A.K. Bhatnagar )  
Member Judicial

( M.P. Singh )  
Vice Chairman

/M.M./

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अब्दे डिजिट:-

- (1) संघिव, उच्च न्यायालय तार एसोफिल्म्सन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) पत्त्यर्थी श्री/श्रीमती/म्म.....के काउंसल
- (4) विधायक, केंद्रीय जबलपुर न्यायपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

उप-रजिस्ट्रार

Issued  
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by

Bhup Singh  
Biju