

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

Original Applications No 821 of 2004

Jabalpur, this the 25<sup>th</sup> day of August, 2005.

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

S.N. Pathak, aged 54 years,  
Son of Shri R.N. Pathak,  
Token No.3186/NIE-Bearer,  
Personal No.701420, Canteen,  
Gun Carriage Factory, Jabalpur  
(MP) Resident of House No.3826,  
Near Bada Patthar, Ranjhi,  
Jabalpur M.P.

Applicant

(By Advocate – None)

V E R S U S

1. Union of India,  
Through the Secretary,  
Ministry of Defence Production  
And Supplies, New Delhi.
2. DGOF/Chairman,  
Ordnance Factory Board,  
Ayudh Bhawan,  
10-A, Shahid Khudiram Bose Road,  
Kolkata-700 001.
3. Senior General Manager,  
Gun Carriage Factory,  
Jabalpur (M.P.)

Respondents

(By Advocate – Shri P.Shankaran on behalf of Shri S.P. Singh)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

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


- “(i) .....to quash the penalty order dated 9.2.2004 issued by respondent No.3 as being void, unlawful and arbitrary.
- (ii) .....to declare that the action of the respondent No.3 in acting as Disciplinary Authority and passing the impugned order of penalty amounts to be a judge of his own cause thereby vitiating the principles of natural justice.”

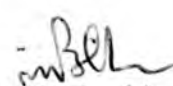
2. The brief facts of the case are that applicant is working under the respondent No.3 at Inspection Bungalow Gun Carriage Factory, Jabalpur. He was issued with a charge sheet under Rule 14 of CCS(CCA) Rules and an enquiry was conducted against him. The disciplinary authority has imposed the penalty of reduction in pay with cumulative effect vide order dated 9.2.2004. He has filed an appeal against the order of the disciplinary authority on 11.3.2004 (Annexure-A-8). The respondents have not taken any decision on aforesaid appeal of the applicant. Hence, this OA.

3. None is present on behalf of the applicant. Since, it is an old matter of the year 2004, we are disposing of this OA by invoking the provisions of Rule 15 of Central Administrative Tribunals (Procedures) Rules, 1987. Heard the learned counsel for the respondents.

4. After considering all the facts and circumstances of the case, we find that the applicant has filed an appeal against the order of the disciplinary authority on 11.3.2004 within a stipulated period of 45 days and he has waited for 6 months for a decision to be taken by the appellate authority, which is under the statutory rules and also the A.T. Act. Till now the appellate authority has not taken any decision on the said appeal. The ends of justice would be met, if we direct the respondent No.2 to consider and decide the aforesaid appeal of the applicant dated 11.3.2004 by passing a detailed, speaking and reasoned order within a period of 2 months from the date of receipt of a copy of this order. It is made clear that the appellate authority while considering the aforesaid appeal of the applicant will not take the ground of limitation.

5. With the above direction, the OA stands disposed of. No cost.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman