

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 243 of 2002

Jabalpur, this the 28th day of July, 2004

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

Madhukar, S/o. Shri Tukaram,  
Ex-Storekeeper, MM Section/VFJ,  
(Removed from service), R/o. House  
No. 500, Oriya Mohalla, Jhanda Chowk,  
Chhoti Omti, Jabalpur, M.P. ... Applicant

(By Advocate - Shri Ajit Ade on behalf of Shri Rohit Arya)

V e r s u s

1. Union of India,  
through the Secretary,  
Ministry of Defence, Department  
of Defence, Production,  
South Block, New Delhi.
2. The Chairman and DGOF,  
Ordnance Factory Board, 10-A, SK  
Bose Road, Kolkata - 700 001.
3. The General Manager,  
Vehicle Factory, Jabalpur,  
M.P. ... Respondents

(By Advocate - Shri K.N. Pethia)

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 :


"(ii) to issue a writ in the nature of  
certiorari, or any other writ, order or direction  
quashing the impugned order dated 31.7.2001 (Annexure  
A-1) as void arbitrary and illegal


(iii) to issue a writ of mandamus directing  
the respondents to reinstate the applicant in service  
with all consequential service benefits."

2. The brief facts of the case are that the applicant  
was working as Store Keeper in Vehicle Factory, Jabalpur.  
While he was working as such, he was issued a charge

sheet. An enquiry was held against him and the disciplinary authority vide its order dated 31st July, 2001 (Annexure A-1) has imposed the penalty of removal from service on the applicant. The applicant has filed the appeal challenging the order of the disciplinary authority on 29th August, 2001. The appellate authority vide its order dated 21st January, 2002 has rejected the appeal of the applicant. The said order of the appellate authority has not been challenged by the applicant. Since the order passed by the disciplinary authority has merged with the order of the appellate authority and the applicant has not challenged the order of the appellate authority, we find that the Original Application is not maintainable.

3. Accordingly, the Original Application is dismissed as not maintainable. However, the applicant will be at liberty to approach the Tribunal, if he still feels aggrieved and if so advised.

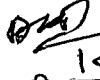
  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

पूठांकन से ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर  
(2) आवेदक श्री/श्रीमती/कु.....के कार्यालय  
(3) प्रत्यर्पण श्री/श्रीमती/कु.....के कार्यालय  
(4) कंसपाल, के.प्र.अ., जबलपुर न्यायपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

Rohit Arora  
KN Pethia

  
10-8-09  
प्र.प. रजिस्ट्रार

Issued  
On 10.8.09  
BS

"SA"