

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/VEJ,
(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.

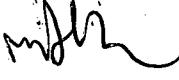
While he was working as such, he was issued a charge

B.M.

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

पृष्ठांकन से ओ/व्या.....जबलपुर, दि.....

प्रतिलिपि अध्येता:—

(1) सदिक, उच्च न्यायालय बार एसोसिएशन, जबलपुर

(2) आवेदक श्री/श्रीमती/कु.....के काउंसल Rohit Arya

(3) धर्यर्थी श्री/श्रीमती/कु.....के काउंसल KN Pethia

(4) कंसप्ल, को.प्र.भ., जबलपुर न्यायपाठी

सूचना पूर्व आवश्यक कार्यवाही हेतु

10-8-09
प्रप रजिस्ट्रार

Issued
On 10.8.09
By