

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 702 of 1999

Jabalpur, this the 3rd day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

Badal prasad,
S/o Late Chhotu Choudhary,
Aged about 25 years,
Resident of House No.2626,
Polipathar, Jabalpur(MP)

APPLICANT

(By Advocate - Shri Deepak Awasthy)

VERSUS

1. The Union of India,
Through the Secretary,
Ministry of Defence,
New Delhi.

2. General Manager,
Gun Carriage Factory,
Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri P. Shankaran on behalf of Shri S.C.Sharma)

ORDER (ORAL)

By G. Shanthappa, Judicial Member -

The above application has filed seeking the relief for a direction to the respondents to consider the claim of the applicant and also to quash the impugned order dated 25.10.97 (Annexure-A-2) which is the order of removal from service.

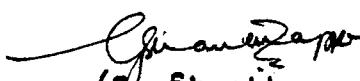
2. The applicant has ^{been} appointed on compassionate ground on 2.11.95. Since he was not on duty, he was removed from service vide order dated 25.10.97 (Annexure-A-2). Subsequently he has submitted a representation on 24.11.97 (Annexure-A-3), the said representation is still pending ^{with} the respondents, ~~hence~~ as well as he approached the Tribunal granting the relief as prayed in this OA. The applicant has also filed an MA No.31/00 for condonation of delay in filing the OA.



3. Per contra the respondents have filed their reply contending that the applicant did not sincerely perform his duties. He was absent from duties on so many days from 11/1995 to 9/1997 he was absented himself from duty for 300 days and attended duties for few days. Such performance by no stretch of imagination can be said to be satisfactory one. The applicant has never performed his duties to the satisfaction of the higher authorities and even during the probation period of two years, he misconducted by remaining on leave unauthorisedly without intimation to the authorities. Since, the applicant is not interested in his duty, authority has passed the order. This Tribunal shall not interfere with the ^{of} order ~~dismissal~~ from service of the applicant.

4. We have heard the learned counsel for the applicant and respondents, and carefully perused the pleadings and records.

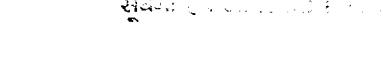
5. The OA is disposed of with a direction to the respondents to consider the representation dated 24.11.97 (Annexure-A-3) within a period of 2 months from the date of receipt of copy of this order. While considering the case of the applicant an opportunity should be given to the applicant. The OA is disposed of according to the reasons mentioned above. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

SKM

दृष्टिकोण से देखा..... जलपुर, दि.....

(1)  दृष्टिकोण से देखा..... जलपुर श. Mr. Deepak Awasthy Adv. T.B.P.
(2)  दृष्टिकोण से देखा..... जलपुर श. Mr. S.C. Sharma Adv. T.B.P.
(3)  दृष्टिकोण से देखा..... जलपुर श. Mr. J. K. Chaudhary Adv. T.B.P.
(4)  दृष्टिकोण से देखा..... जलपुर श. Mr. S. K. Chaudhary Adv. T.B.P.

जलपुर, 10/12/97
Witnessed
10/12/97