

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/349/2010

Jabalpur, this Thursday, the 21st day of December, 2017

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Umashankar Barman, aged about 58 years, son of Shri Jhallu Barman, by occup Mazdoor Ticket No 3570, Telecom Factory Jabalpur resident of Patel Mohalla Jogni Mandir Rampur Jabalpur Pin Code 482002.

-Applicant

(By Advocate – None)

V e r s u s

1. The Union of India through the Secretary, Department of Tele Communication, Sanchar Bhawan, New Delhi 110001.

2. The Chief General Manager, Tele Communication, Telecom Factory, Jabalpur, Wright Town, Jabalpur 482002.

3. Assistant Manager, (H.M.) Telecom Factory Jabalpur – II, Wright Town Jabalpur 482002

- Respondents

(By Advocate – Shri Vivek Shukla)

(Date of reserving order : 19.12.2017)

ORDER

By Navin Tandon, AM.

The applicant is aggrieved by his dismissal from service on 09.06.1999 and, therefore, has filed this Original Application.

2. It is seen that this O.A. has been dismissed three times on 06.03.2013, 20.07.2015 and 08.12.2015 for want of prosecution.

3. During the hearing on 14.11.2017, the following orders were passed:

“None for the applicant.

It is seen that on the last four occasions either the applicant is not present or they have sought for adjournment.

In the interest of justice, the matter is adjourned for hearing on 19.12.2017.

On the next date of hearing in case any of the counsel is not present it will be decided as per Rule 15 (1) or 16 (1) of the Central Administrative Tribunals (Procedure) Rules, 1987.

Issue certified copy of this order to the counsel for the applicant.”

4. During the hearing on 19.12.2017, there was no representation from applicant's side. Therefore, we have decided to proceed ex-parte as per Rule 15 (1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

5. The applicant has submitted that he was engaged as Mazdoor in Telecom Factory, Jabalpur since 14.11.1972. He states that he fell ill and is still undergoing the treatment. He applied for medical leave. It was only through information received on 08.05.2008 (Annexure A-16) through Right to Information Act, he

came to know of his dismissal from service vide order dated 07.06.1999 (Annexure A-17).

6. The following relief has been sought:

“It is therefore prayed that a Writ Order or Direction be issued quashing the order contained in Annexure A-17 resultantly the applicant be reinstated in service with all the consequential benefits or in alternative the applicant be treated as retired with all the consequential benefits thereof and the necessary payment be ordered to be made to the applicant.

II. Any other order or direction which this honble court deem fit and proper under the circumstances of the case may also be issued.”

7. Subsequently, through MA No.327/2010 filed on 22.04.2010, it has been submitted that the applicant has expired on 30.03.2010 and legal representatives were allowed to substitute the applicant. However, no amendment has been carried out in the O.A.

8. Respondents have submitted that this O.A is already time barred.

9. Respondents have further submitted that before passing the order dated 7.6.1999 for dismissal from service of the applicant by

the Disciplinary Authority, the Department initiated and executed the complete departmental inquiry proceedings as per provisions in the CCS (CCA) Rules. The Disciplinary Authority issued several letters/notices/show cause notice etc. by Registered Post on 13.05.1998, 21.07.1998, 29.12.1998, 07.05.1999 and finally published in local newspaper on 05.02.1999. In spite of the several correspondences made by the Department, the applicant (Late Umashankar Barman) or his legal representative neither appeared before the Inquiry Officer nor intimated anything about long absence of the applicant since 23.07.1990.

10. Respondents have brought out that the applicant (Late Umashankar Barman) was continuously absent since 23.07.1990 and never informed the respondents regarding his absence from duty. On this act of the applicant, the respondents arranged to conduct departmental inquiry proceedings against the applicant. Even after issue of several letters/notices/show cause notice etc. by Registered Post by the Disciplinary Authority, the applicant did not respond to any of them. Finally, the matter was published in local newspaper and asking him to appear before Inquiry Officer for inquiry on 24.02.1999 by 10:00 AM at the given venue (Annexure R-2). In spite of the several opportunities afforded by

the respondents, the applicant did not appear before the Inquiry Officer. Finally the Inquiry Officer submitted his inquiry report dated 13.03.1999 to the Disciplinary Authority. Thereafter the Disciplinary Authority, after carefully examining the inquiry report established the charges levelled against the applicant. Accordingly, the Disciplinary Authority imposed a penalty of dismissal from service vide order dated 7.6.1999 and the same was communicated to the applicant by Registered Post on the same day (Annexure R-1).

11. We have gone through the entire pleadings available on file. The disciplinary action taken by the Respondents is as per rules and we do not find any fault in it.

12. Accordingly, the O.A is dismissed being devoid of any merits. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-