

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No. 171/2018

Date of Decision: 20th June, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)

*(By Advocate Ms. Rajeshwari D. Ohal instructed
by Advocate Ms. Mirza Samina)*

VERSUS

1. Major General Controller
Controllerate of Quality
Assurance (Ammunition)
Kirkee, Pune - 411 003.
2. Director General
Quality Assurance of Ammunition
Department of Defence Production,
Nirman Bhavan, PO -
New Delhi - 110 011.
3. Govt. of India
Ministry of Defence
(DGQA)
Office of the Chief
Presenting Officer,
CAT Mumbai.

Respondents

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Today when the matter is called out for Admission, heard Ms. Rajeshwari D. Ohal, learned Advocate instructed by Miss Mirza

Samina, learned Advocate for the applicant. We have carefully perused the case record.

2. The applicant was working as Cook under respondent No.1 at Pune. In a disciplinary proceeding initiated against the applicant, he was found guilty of the charge and punishment of compulsory retirement from service was imposed by the Disciplinary Authority (Respondent No.1) vide order dated 30.05.2015. This order has been challenged by the applicant before the Appellate Authority (Respondent No.2) vide Appeal Memo dated 07.01.2016 (Exhibit G). It is stated that the said appeal is still pending since nothing has been heard from the other end.

3. In this OA the following reliefs are sought:-

"8(a) That this Hon'ble Tribunal may be pleased to call for records from the respondents in the matter of disciplinary enquiry initiated against him on 07.10.2014 for scrutiny and perusal as to legality, validity and correctness.

(b) This Hon'ble Court may be pleased to quash and set aside the order dated 30.05.2015 passed by Major General Controller, Controllerate of Quality Assurance (Ammunition) Kirkee, Pune i.e. respondent No.1 herein.

(c) This Hon'ble Court may be pleased reinstate the applicant as Cook (Wet-

canteen), Quality control Assurance (Ammunition) Kirkee, Pune.

(d) Considering the facts and circumstances of the case, this application may kindly be heard forwith at the admission stage finally.

(e) Any other further order be passed in favour of the applicant in the interest of justice."

4. This OA has been filed on 18.10.2016 but the same was neither circulated by the counsel for applicant nor the Registry placed it before us till today.

5. Considering the fact that statutory appeal against the order of compulsory retirement is still pending, it cannot be said that the applicant has fully exhausted all the remedies available to him under CCS(CCA) Rules, 1965 before approaching the Tribunal.

6. In view of above, the present OA can be disposed of with appropriate directions.

7. The respondent No.2 - Director General, Quality Assurance of Ammunition, New Delhi, the Appellate Authority is hereby directed to consider and pass a reasoned and speaking order on the pending appeal dated 07.01.2016 (Exhibit G) of the applicant strictly in accordance with law, within a period of eight

weeks from the date of receipt of a certified copy of this order (if not passed earlier).

8. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

9. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents and without making any comments on the merits of the claim and keeping the legal pleas, if any, open.

10. Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(Mrs. P. Gopinath)
Member (A)

(A.J. Rohee)
Member (J)

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