

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.698/2018.

Date of Decision: 29.11.2018.

CORAM:HON'BLE DR. BHAGWAN SAHAI, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)

Mrs. Punam Kumari
 MTS, PA No.63771-G, widow of
 late Raj Kishore Singh, Age 32 yrs.,
 Occu- Service. Presently R/at SMQ,
 P-134/3, Air Force Station, Devlali
 Camp, Nashik – 422 401. ... ***Applicant***
(By Advocate Shri Yogendra Pratap Singh)

VERSUS

1. The Union of India, through
 The Secretary of Defence,
 Ministry of Defence, South Block,
 New Delhi 110 011.
2. The Chief of the Air Staff
 (Air Officer-in-charge Personnel)
 Air Headquarters Vayu Bhavan,
 Rafi Marg, New Delhi 110 106.
3. The Air Officer Commanding-in-Chief
 HQ Maintenance Command,
 Vayusena Nagar, Nagpur 440 007.
 Maharashtra.
4. The Air Officer Commanding,
 25 Equipment Depot, Air Force Station,
 Devlali South, Nashik 422 501.
 Maharashtra. ... ***Respondents***

ORDER (Oral)

Per : Shri R.N. Singh, Member (J)

The Applicant who is working as MTS
 under the respondents has challenged the
 letter/order dated 02.08.2018 (Annex A-1)

and also the show cause notice dated 16.11.2018 (Annex. A-10). Learned counsel for the applicant submits that in response to the aforesaid impugned show cause notice, the applicant has preferred a detailed reply dated 27.11.2018 (Annex.A-11) and it is pending consideration of the competent authority. Learned counsel for the applicant argues that the applicant has rushed to the Tribunal in view of her apprehension that once the impugned order dated 02.08.2018 has been passed by the Respondent No.3 i.e. the Air Officer Commanding-in-Chief, HQ Maintenance Command, the impugned show cause notice dated 16.11.2018 is nothing but a mere formality and the respondents are certain to terminate her service.

2. Learned counsel for the applicant further submits that the applicant would be satisfied if a direction is given to Respondent No.3 to consider the pending reply dated 27.11.2018 of the applicant to the show cause notice and dispose it of by passing a reasoned and speaking order.

3. Shri R.R. Shetty, who appears in the matter on advance notice and on instructions submits that the respondents have no objection to order to this effect.

4. In view of the above, the OA is disposed of at the admission stage without going into merits of the claim of the applicant with direction to the Respondent No.3 to consider the aforesaid pending reply dated 27.11.2018 of the applicant by passing a reasoned and speaking order, within eight weeks of receipt of certified copy of this order.

5. It is further directed that in case the aforesaid reply dated 27.11.2018 has not been addressed to or has not been received by Respondent No.3, the concerned respondents shall forward the said reply to the Respondent No.3 for his consideration and action as above.

6. Learned counsel for the applicant seeks direction to the effect that till his aforesaid pending reply is considered and decided, and such decision is communicated to him the applicant's service may not be

terminated. In response to this, Shri Shetty, learned counsel for the respondents on instructions submits that till the decision is taken by Respondent No.3 on the pending reply of the applicant, the respondents shall retain the applicant in the existing service.

7. In the aforesaid terms, the OA is disposed of with the above directions. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.