

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:BILASPUR

Original Application No.203/01044/2019

Bilaspur, this Tuesday, the 19th day of November, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER

1. Smt. Draupati Bai Koushik W/o Late Shri Chaitam Aged about 59 years Unemployed, Housewife (Legally Wedded Wife)
2. Mr. Rohit Koushik, S/o Late Shri Chaitram Aged 39 years Unemployed (Elder Son)
3. Mr. Chhotelal Koushik, S/o Late Shri Chaitram Aged 36 years, Unemployed (Second Son)
4. Smt. Laxmin Koushik D/o Late Shri Chaitram Aged years Unemployed (1st Married Daughter)
5. Smt. Shiv Kumari Koushik D/o Late Shri Chaitram Aged Years Unemployed [2nd Married Daughter]
6. Smt. Shashi Koushik, D/o Late Shri Chaitram Aged years, unemployed [3rd Married Daughter]

All residing at : village :Amsena Post Sakarra, Thana, Hirri
 Bilaspur 495220 (CG) **-Applicants**

(By Advocate-**Shri B.P. Rao**)

V e r s u s

1. Union of India, Through : The General Manager South East Central Railway, Bilaspur Zone, G.M.'s Office, Bilaspur 495004 (C.G.)
2. The Sr. Divisional Electrical Engineer (Open Line) S.E.C. Railway Raipur Division, DRM's Office Complex Raipur 492004 (C.G.) **- Respondents**

(By Advocate-**Shri Vivek Verma**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Being aggrieved with punishment order dated 08.09.2006 and non sanction of family pension to the applicant No.1 w.e.f. 04.03.2019, the applicant has filed this Original Application with the following reliefs:-

“8.1 That, the Hon’ble Tribunal be pleased to allow the O.A. and by calling entire relevant records from the possession of respondents for its kindly perusal to decide the applicants grievance.

8.2 That, the Hon’ble Tribunal be pleased to pass an order and direct the respondent No.2 to consider and decide the Appeal dated 16.03.2017 (A-10) at the earliest.

8.3 That, the Hon’ble Tribunal be pleased to quash and set aside the Punishment Order dated 08.09.2006 (A-9) in the interest of justice and deemed reinstatement of Applicant’s husband/father back in service with back wages till 3.3.2019 with 12 % interest.

8.4 That, the Hon’ble Tribunal be pleased to pass an order, directing the respondents to release all service benefits like PF, Gratuity etc. of late Chairman in favour of Applicants on account of his death on 03.03.2019 (before date of superannuation).

8.5 That, the Hon'ble Tribunal be pleased to pass an order, directing the Respondents to release Family Pension to the Applicant No.1 from 4.3.2019 onwards along with Arrears.

8.6 That, the Hon'ble Tribunal be pleased to pass any other relief as it deem fit and proper in the case.”

2. The husband of the applicant No.1 i.e. Shri Chaitram was working as Khalasi/Helper under the respondent-department. He was promoted to the post of Senior Call Boy. Due to mental sickness he was absent from duty w.e.f.02.02.2004. A charge sheet dated 06/09.01.2006 was issued for unauthorized absent from duty w.e.f.02.02.2004 without any information. The applicant did not submit any representation due to sickness. Enquiry officer was appointed by the disciplinary authority vide order dated 24/26.04.2006 (Annexure A/3). Preliminary enquiry was conducted and completed the departmental enquiry ex parte. The disciplinary authority vide order dated 08.09.2006 imposed a punishment of removal from service without any benefit with immediate effect. The applicant No.1 has preferred an appeal dated 16.03.2017 (Annexure

A/10) for modification of the punishment order. The husband of applicant No.1 died on 03.03.2019 leaving behind two sons and three daughters. The applicant No.1 approached this Tribunal by filing O.A. No.203/1122/2017 which was dismissed vide order dated 20.09.2019 (Annexure A-12) with liberty to file another application.

3. At this stage, learned counsel for the applicant submits that an appeal dated 16.03.2017 (Annexure A/10) is pending before the appellate authority and the applicant No.1 would be satisfied if the said authority is directed to decide the same in a time bound manner.

4. We have considered the matter and we are of the view that the appeal is pending for consideration before the appellate authority. In view of this, we direct the appellate authority to consider and decide the appeal dated 16.03.2017 (Annexure A/10), if not already decided, with a reasoned and speaking order, within a period of 90 days from the date of receipt of a certified copy of this order.

5. Needless to say that this Tribunal has not touched the merit of the case.

6. With the above direction, this Original Application is disposed of at admission stage itself. No costs.

(B.V. Sudhakar)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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