
(2003) 01 AHC CK 0072
In the Allahabad High Court
Case No : C.M.W.P. No. 150 of 2003

Union of India (UOI) and Another	APPELLANT
Vs	
Central Administrative Tribunal and Another	RESPONDENT

Date of Decision : 06-01-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 AWC 521 : (2003) 96 FLR 414

Hon'ble Judges : Prakash Krishna, J; M. Katju, J

Bench : Division Bench

Advocate : Tarun Verma and A.S. Diwakar, for the Appellant; K.P. Singh, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and Prakash Krishna, JJ.—Heard learned counsel for the petitioner.

2. The petitioner is challenging the Impugned order of the Central Administrative Tribunal dated 6.9.2002. The respondent No. 2 is the widow of late Dinesh Kumar who was appointed as temporary labour (Khalasi) on 3.2.1987. He was absent from service from 19.4.1994 to 21.2.1995 and was charge-sheeted and removed from service with effect from 14.6.1996. Subsequently he died. His widow filed an O.A. before the Tribunal. The Tribunal has held that the enquiry was illegal as the enquiry was ex parte and no enquiry report was sent to the applicant.

3. These are findings of fact and hence we cannot interfere in writ jurisdiction. Moreover, apart from merits of the case, we are not inclined to exercise our discretion under Article 226 of the Constitution since the respondent No. 2 is a widow and she has been granted pension and other benefits by the Tribunal. Hence, we are not exercising our equity jurisdiction under Article 226 in such a case. The petition is dismissed.