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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1736/1990

Date of decision:10.06.1993.

Shri H.D. Bansal

.....Petitioner

Versus

Union of India & Others

....Respondents

For the Petitioner ...Shri K.L. Bhundula, Counsel

For the Respondents ...Sh.P.H. Ramchandani, Sr.Counsel

CORAM:

THE HON'BLE MR JUSTICE S.K. DHAON, VICE CHAIRMAN

THE HON'BLE MR. S.R. ADIGE, MEMBER(A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr.

Justice S.K. Dhaon, Vice-Chairman)

The order dated 13.08.1990 passed by the Deputy Director of Administration reverting the petitioner from the post of Assistant Director (Horticulture) to the grade of Section Officer (Horticulture), is being impugned in the present application.

2. Respective parties have filed their pleadings.
Counsel for the parties have been heard.

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3. We have heard this matter for a sufficient length of time. In the interest of justice, we feel that it may not be proper for us to express any opinion on the question whether in the facts and circumstances of the case, the period of probation of 2 years could be extended.

4. The learned counsel for the respondents, Shri P.H. Ramchandani states that the petitioner had a statutory right of appeal to the higher authority under Rule 23 of CCS(CCA) Rules. Evidently, the petitioner did not prefer any appeal. He should have done so before coming to this Tribunal.

5. If the petitioner files an appeal now within a period of one month from today, the appellate authority shall entertain the same and pass final orders thereon as expeditiously as possible and in accordance with law after giving an opportunity of hearing to the petitioner. It shall treat the appeal as having been filed within limitation. If it comes to the conclusion that the appeal should be dismissed, it shall record reasons. It shall endeavour to dispose of the appeal as expeditiously as possible in view of the order we are passing hereafter.

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6. On 30.08.1990, this Tribunal passed an interim order staying the operation of the impugned order. The stay order continues to operate even now with the result that the petitioner has been continuing to hold the post of Assistant Director (Horticulture). In our opinion, this arrangement should be allowed to continue till the decision of the appeal. We order accordingly.

7. With these directions, this application is disposed of finally but without any order as to costs.

8. Let a copy of this order be given to both parties immediately.

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(.R. ADIGE)
MEMBER(A)
10.06.1993

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(S.K.)
(S.K. DHAON)
VICE IRMAN(J)
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