

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~XXXXXXDOXXXXXX~~

(3)

O.A. No.
~~XXXXXX~~

210

1987

DATE OF DECISION 26.07.1989Bhemaji Sanaji PetitionerMr. M.A. Kadri Advocate for the Petitioner(s)

VERSUS

Union of India & Anr. RespondentMr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi Vice Chairman

The Hon'ble Mr. P.M. Joshi Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Bhemaji Sanaji,
Ex-Cleaner,
Under Electrical Chargeman(T/L),
Ahmedabad.
(Advocate-Mr. M.A. Kadri)
Versus

.. Applicant

1. Union of India, through
General Manager, W.Rly.,
Churchgate, Bombay.
2. Divisional Railway Manager,
Pratapnagar,
Baroda.
(Advocate-Mr. N.S. Shevde)

.. Respondents

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. P.M. Joshi .. Judicial Member

O R A L - O R D E R

C.A./210/87

26.07.1989

Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Heard Mr. M.A. Kadri and Mr. N.S. Shevde, the learned advocates for the petitioner and respondents respectively. Learned advocate for the petitioner asks for time to file rejoinder. The reply is of dated 27.2.1989 and sufficient time was available by the petitioner to file a rejoinder, accordingly the proceeding cannot be delayed in enabling the petitioner to file a rejoinder. Learned advocate for the petitioner stated that the petitioner has filed a memo of appeal dated 11.1.1978 against the order of removal from service dated 29.12.1977. The respondent in their reply have stated that "the record is very old and is not traceable and it is not possible to say whether the applicant had filed any appeal against the order of the disciplinary authority imposing penalty. Applicant has not produced any evidence as to whether he has filed appeal to the appellate authority." The petitioner has filed a copy of the memo of appeal dated 11.1.1978 at Annexure 'B'. Learned advocate for the respondents

(b)

states that even if such appeal was on record of the respondents, it is clearly barred by limitation. So far as this case before the Tribunal is concerned, however, the petitioner not only has not been communicated any decision about his appeal memorandum, but the respondent do not even make a clear statement that such an appeal has been filed or not. Accordingly, it is for the respondent to make a clear statement whether such an appeal petition was received or not and whether it has been disposed of or not. In absence of such a statement in the reply and even during the hearing, it is proper to give the following direction.

The Divisional Railway Manager, Baroda, after considering Annexure B dated 11.1.1978 which may be treated as memorandum of appeal alongwith the contention of this application may pass the order for disposing of the appeal within a period of four months from the date of this order. The petitioner may pursue any cause, if ^{it} remains, by a fresh application.

With the above direction, the case is disposed of with no order as to costs.

Prerin

(P H Trivedi)
Vice Chairman

Shaji
(P M Joshi)
Judicial Member

*Mogera