

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

16

NO  
condonation  
of delay in  
Review in  
Termination

~~XX~~ ~~Q.A. No.~~  
~~XX~~ ~~Q.A. No.~~

M.A./376/92 in

R.A./40/92 in

O.A./723/88

DATE OF DECISION 3rd December, 1992.

Shri Tushar N. Shukla

Petitioner

Mr. M. K. Paul

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Mr. Akil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. <sup>N</sup>N. V. Krishnan

: Vice Chairman

The Hon'ble Mr. R. C. Bhatt

: Member (J)

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 ? >

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AHMEDABAD BENCH

O.A. No. \_\_\_\_\_  
T.A. No. \_\_\_\_\_

DATE OF DECISION \_\_\_\_\_

Petitioner \_\_\_\_\_

Advocate for the Petitioner(s) \_\_\_\_\_

Versus

Respondent \_\_\_\_\_

Advocate for the Respondent(s) \_\_\_\_\_

CORAM :

The Hon'ble Mr. \_\_\_\_\_

The Hon'ble Mr. \_\_\_\_\_

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4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Tushar Narbheshankar Shukla,  
Hindu Adult, Profession : Service,  
Residing at 4, Ramnagar, Chirag',  
Gondal Road, RAJKOT.

.....APPLICANT

(Advocate : Mr.M.K.Paul)

VERSUS

1. The Regional Director,  
Workers Education Centre,  
Opp.Varani Bunglow,  
Gondal Road,  
RAJKOT.
2. The Director,  
Central Road for Workers Education,  
1400, West High Court Road, Golkulpet,  
NAGPUR.

...RESPONDENTS

(Advocate : Mr.Akil Kureshi)

ORDER

M.A./376/92 in  
R.A./40/92 in  
O.A./723/88

(BY CIRCULATION)

Date : 3.12-1992.

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

In respect of the order dated  
20.8.1992 disposing of M.A./723/88, R.A./40/92  
has been filed.

2. M.A./376/92, has been filed to  
condone the delay in filing the R.A. In the view  
that we are taking, the delay is condoned.

u 3. We have seen the R.A. and we

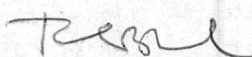


are satisfied that it can be disposed of by circulation.

4. One ground taken is that no order has been passed regarding the period between 24.11.1988, the date of termination and 20.12.1990 the date of reappointment, and hence it is stated that this is an error apparent on the record. We notice that no order was necessary in regard to this period, because we have held in para-7 of the original order that the termination from 24.11.1988 was fully justified.

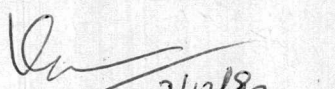
5. The X Review Applicant has made further submissions to canvass the view that the termination on 24.11.1988 was illegal. That is a matter for argument to be addressed to the appellate authority. They are not errors apparent on the face of the record. Therefore, <sup>be out</sup> no case has been made ~~at~~ for a review.

6. In the circumstances, the Review Application is dismissed. "



(R.C.BHATT)

MEMBER (J)

  
3/1/92  
(N.V.KRISHNAN)

VICE CHAIRMAN

AIT

M.A.No.952/1988

in

O.A.No.723/88

(9)

Coram : Hon'ble Mr. P.M. Joshi : Judicial Member  
Hon'ble Mr. P.S. Chaudhuri : Administrative Member

28/4/1989

M.A.No.952/88 in O.A.No.723/88 was filed on 16-12-1988. As there were defects in this M.A, the Registry wrote to the applicant's Advocate on 22-12-1988 asking him to remove the defects within 14 days. ~~On~~ A reminder was sent on 9-2-89 asking him to remove the office objections within 15 days. Another reminder was sent on 27-2-1989. The applicant has, however, still not rectified the defects.

2. The case has now been placed before us by the *by* Registrar for dealing with it in terms of Rule 5(4) of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. In view of the circumstances mentioned above, we decline to register this M.A.No.952/88. The applicant be advised accordingly.

*P. S. Chaudhuri*  
(P.S. Chaudhuri)  
Administrative Member

*P. M. Joshi*  
(P.M. Joshi)  
Judicial Member

Respectfully submitted before the Hon'ble Bench.

In the Matter of


M.A.No. 962 of 1988

in

O.A.No. 723 of 1988.

In this matter, M.A.No. 962 of 1988 for the amendment of the main application, <sup>as filed</sup> ~~still~~ it is neither signed by the applicant nor it is on verification. The office has raised the objections and called upon to remove the objections by letter dated 22-12-1988 but the applicant has not removed the objections. Thereafter, the reminders dated 9-2-1989 and 27-2-1989 were also sent and the matter was kept on Board on 20-4-1989. In spite of that, the applicant has failed to rectify the defects though sufficient time was allowed. Hence, it is necessary to decline to register the application. This matter <sup>may</sup> ~~is~~, therefore, <sup>be</sup> ~~be~~ placed before the Hon'ble Bench under Rule 5 ~~of~~ sub-Rule 4 of the Central Administrative Tribunals (Procedure Rules), 1987 for passing appropriate orders.

Date : 20 -04-1989.

  
(A.V.Kazi.)  
Deputy Registrar (J).

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman  
Hon'ble Mr. P.M. Joshi .. Judicial Member

16/03/1989

Heard learned advocates Mr. D.V. Mehta and Mr. J.D. Ajmera for the petitioner and respondents respectively. Learned advocate for the petitioner's contention is that the order dated 25.11.1988 requires status quo to be maintained as on that day and in his contempt application he has <sup>^</sup>not narrated cronology by which he seeks to establish that the termination order was served upon the applicant on 29.11.1988. Accordingly, there being no termination order on 25.11.1988, <sup>by</sup> the interim relief allowed to him, he cannot be allowed to be terminated from the service. Mr. Ajmera for the respondent states that subsequent to the order dated 25.11.1988, the order of 8.12.1988 was passed in which the question of the benefit of the status quo to be extended to the petitioner was discussed and it was stated that the merits of the termination of the petitioner can be heard when O.A./723/88 is taken up for hearing and accordingly the petitioner is not allowed to pursue the date from which the termination order <sup>is</sup> held to be effective through <sup>the</sup> mechanism of the contempt petition made. Learned advocate for the petitioner has cited (i) AIR 1966 S.C. (pg.1313), (ii) 1981(2) SLR 94, in support of his contention that termination cannot be held effective if the order was served subsequent to the date of the interim relief, in terms of status quo given. After hearing the learned advocates, we find that the question of termination has been already dealt with in the orders dt. 25.11.1988 and 8.12.1988 and the orders state in

terms that the case for continuing interim relief has no ~~any~~ merit. The merits of the termination of the petitioner, however, can be heard and for that Registry may post the case in OA/723/88 for final hearing.

Accordingly, the plea regarding ~~chronology~~ by which the termination order and the date can be effective, can be heard and dealt with in O.A./723/88. We do not find that there is any case made out for proceeding against the respondents in contempt application and accordingly, no further steps be taken, the application stands disposed of.



( P H Trivedi )  
Vice Chairman



( P M Joshi )  
Judicial Member

\*Mogera