

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
A H M E D A B A D B E N C H
XXXXXX XXXXX XXXXX

R.A.4/90 in

O.A. No.560/89
Tax No.

198

DATE OF DECISION 10.4.90Subhash S Patel

Petitioner

Mr. YN Oza

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Mr. JD AJMERA

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member

&

The Hon'ble Mr. MM Singh, Administrative 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?

Subhash S Patel
Lower Division Clerk
C/o Controller of Explosives
Baroda
(Advocate: Mr. YN Oza)

- Review Applicant

V.

1. Union of India,
Notice to be served through
Deputy Chief Controller of
Explosives, West Circle,
Industrial Assurance Building,
Opp: Church Gate Station,
Bombay.

2. Controller of Explosives,
Mrudula Bhavan, Raopura,
Baroda. - Respondents
(Advocate: Mr JD Ajmera)

ORDER

R.A.4/90 in O.A.560/89

(Hon'ble Shri AV Haridasan, Judicial Member)

We have gone through the review application, the orders sought to be reviewed and the records in the case. On 30.1.1990 in the orders sought to be reviewed we had stated "...heard Mr.Y.N.Oza, the learned advocate for the applicant and Mr.J.D.Ajmera". In the review application the applicant has stated that Mr.Y.N.Oza, the counsel for the applicant was not present when the case was taken up and the observation in the order that he was heard is erroneous. It is stated in the application that as the application was disposed of in the absence of the counsel for the applicant, the applicant has been seriously prejudiced. Since somebody represented the applicant when the matter came up for hearing, we

(1)

took it that it was Mr.Oza/was engaged by the applicant.

On a verification with Mr.JD Ajmera we are now satisfied that Shri Oza was not present in the Court on 30.1.1990 and that he was not heard. The observation in the order dated 30.1.1990 in OA-560/89 is an error apparent on the face of record and therefore we are satisfied that the interest of justice demands a review of the order. We therefore review the order passed in OA-560/89 on 30.1.1990 and restore the application for rehearing on the question of admission.

M. M. Singh
(M.M.SINGH)
ADMINISTRATIVE MEMBER


(A.V.HARIDASAN)
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT NEW DELHI

INDEX SHEET

CAUSE TITLE..... O. A/560 OF 1987.

NAMES OF THE PARTIES..... S. S. Patel.

VERSUS
Union of India & Ors.

PART A B & C

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3.	Copy of order dtd. 31-10-89	10
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CENTRAL ADMINISTRATIVE TRIBUNAL, DE LHI

Application No. 560

of 1987

Transfer application No.

Old Write Pet. No.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 01/05/87

Countersigned: W. J. R.
15/3/87
Section Officer/Court Officer.

W. J. R.
15/3/87

C. J. L. C. S.
Signature of the Dealing
Assistant.

MGIPRRND—17 CAT/86—T. S. App.—30-10-1986—150 Pads.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Submitted : C.A.T./JUDICIAL
SECTION.

Original Petition No. : 560 of 59.

Miscellaneous Petition No. _____ of _____.

Shri S S Patel Petitioner(s).
Versus.

Union of India Respondent(s).

This application has been submitted to the Tribunal by Shri Y N D under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application ~~has~~ not been found in order for the ~~same~~ reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

8
28/12

Mr. (on leave)

so

DM) 28/12/88

(✓) Some
28/12/88.

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BANCH

APPLICANT (S) Ss PatelRESPONDENT(S) Union of IndiaPARTICULARS TO BE EXAMINEDENDORSEMENT AS TO
RESULT OF
EXAMINATION.

1. Is the application competent ? Yes

2. (A) Is the application in the prescribed form? Yes

(B) Is the application in paper book form ? Yes

(C) Have prescribed number complete sets of the application been filed ? Yes

3. Is the application in time ? Yes
If not, by how many days is it beyond time ? -
Has sufficient cause for not making the application in time stated ? -

4. Has the document of authorisation/ Vakalat Nama been filed.? Yes

5. Is the application accompanied by B.D./I.P.O. for Rs.50/-? Number of B.D./I.P.O. to be recorded. 6 1944/3 629

6. Has the copy/copies of the order(s) against which the application is made, been filed ? Yes

7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? Yes

(b) Have the documents referred to in (a) above duly attested and numbered accordingly ? Yes

(c) Are the documents referred to in (a) above neatly typed in double space ? Yes

8. Has the index of documents has been filed and has the paging been done properly ? Yes

PARTICULARS TO BE EXAMINEDENDORSEMENT AS TO BE RESULT OF EXAMINATION.

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application? *yes*

10. Is the matter raised in the application pending before any court of law or any other Bench or the Tribunal? *No*

11. Are the application/duplicate copy/spare copies signed? *yes*

12. Are extra copies of the application with annexures filed?

- (a) Identical with the original. *yes*
- (b) Defective. *No*
- (c) Wanting in Annexures
No. _____ Page Nos. *3* *No*
- (d) Distinctly Typed? *yes*

13. Have full size envelopes bearing full address of the Respondents been filed? *No*

14. Are the given addressed, the registered addressed? *yes*

15. Do the names of the parties stated in the copies, tally with those indicated in the application? *yes*

16. Are the transactions certified to be true or supported by an affidavit affirming that they are true? *yes*

17. Are the facts for the cases mentioned under item No.6 of the application?

- (a) Concise? *yes*
- (b) Under Distinct heads? *yes*
- (c) Numbered consecutively? *yes*
- (d) Typed in double space on one side of the paper? *yes*

18. Have the particulars for interim order prayed for, stated with reasons? *yes*

Sukh

599/89
2812/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ORIGINAL APPLICATION NO. 560 OF 1989.

Subhash S. Patel.

.. Applicant.

Versus.

1. Union of India
and another.

.. Respondents.

I N D E X

Sr.No. Annexures. Particulars. Pages Nos.

2 + 2	1.	Application.	1 to 8.
p/6 1966/63	2. A/1.	Copy of a letter dated 19th June, 1982.	9
	3. A/2.	Copy of the order dt. 31st October, 1989.	10.
	4. A/3	Copy of a Deposition of Nandukumar D. Jadav.	11 to 13.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Ahmedabad Bench, Ahmedabad.

Original Appln. No. 560 of 1989

Subhash S. Patel,
Lower Division Clerk,
0/o Controller of Explosives,
Baroda. ...

Applicant

vs.

1. Union of India,
(Notice to be served thro'
By. Chief Controller of Explosives,
West Circle, Industrial Assurance Bldgg,
Opp: Churchgate Station,
Bombay-20.

2. Controller of Explosives,
Krudula Bhavan, Raopura,
Baroda. ...

Respondents

Details of application -

1. Particulars of applicant :

(i) Name of the applicant -	Subhash S. Patel
(ii) -" - father	Shanabhai Patel
(iii) Designation & office in which employed	Lower Division Clerk working in office of Controller of Explosives Baroda

2

- 2 -

(iv) Office address - As mentioned in title

(v) Address for service of
all notices - - do -

2. Particulars of respondent :

(i) Name and/or designation
of the respondent - As mentioned in title

(ii) Office address - - do -

(iii) Address for service
of all notices - - do -

3. Particulars of the order against which application
is made

Application is against the following order :

(i) Order No. - FC-7-S

(ii) Date - 31-10-89

(iii) Passed by - Dy. Chief Controller of
Explosives, Bombody

(iv) Subject in brief - Suspension

4. Jurisdiction of Tribunal :

The applicant declares that the subject matter
of the order against which he wants redressal is within
the jurisdiction of the Tribunal.

5. Limitation :

The applicant further declares that the application
is within the limitation prescribed in Section 21
of the Administrative Tribunals Act, 1985.

6. Facts of the case :

The facts of the case are given below :

6.1 That the petitioner has joined the service of the respondents as a lower division clerk in the year 1982. The order of appointment was issued on 19-6-1982. The applicant joined duties as lower division clerk in the office of the Controller of Explosives, Baroda, with effect from 1-7-1982. A copy of the appointment order is annexed hereto and marked as A/1.

Annex A,

6.2 The applicant is discharging his duties with utmost sincerity and honesty since then.

6.3 The applicant states that one Nandkumar Dhamajirav Jadav has filed a complaint Mr. Arvind-kumar Digamber Petkar, who is also an employee working in the office of the respondents. The applicant states that in the said complaint filed by the complainant, the name of the accused is shown as Mr. Petkar only and the name of the applicant is nowhere mentioned even in the complaint. The applicant states that even in the complaint also there is a direct mention of accepting the bribe made by the complainant only against Mr. Petkar and passive reference is made of the applicant. It is not even the case of the complainant that the applicant has accepted money. The only mention against the present applicant is that he was a party to the demand. It is also clear from the complaint that Mr. Petkar happens to be a higher officer of the applicant.

b) The applicant submits that the incident mentioned in the complaint alleged to have been taken place on 8-2-1989 and the respondents have passed the impugned order after a lapse of about 8 months, which is thoroughly arbitrary and illegal.

c) Applicant submits that the applicant is a lower division clerk and there is no question of his showing any personal favour to any person by accepting bribe. The applicant would point out to this Hon. Court from the copy of the F.I.R. that there is no direct mention against him. Therefore, there was no reason in suspending him. The copy of the F.I.R. is annexed hereto and marked as Annexure A/3.

Annex A/3

d) The applicant submits that there is no direct allegation against him and, therefore, the criminal case qua him cannot stand and, therefore, the impugned order of suspension is unwarranted and deserves to be quashed and set aside.

e) The applicant submits that as the complaint is lodged with the A.C.B., which is an independent body, there is no possibility of the applicant's tampering with the evidence or influencing the witnesses. Therefore, also the impugned order of suspension deserves to be quashed and set aside.

7. Reliefs sought

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :

- A. To admit this application.
- B. Be pleased to quash and set aside the impugned order of suspension dated 31-10-1989 and further be pleased to direct the respondents to restore the applicant on active duties with all consequential benefits.

8. Interim order, if prayed for :

Pending final decision on the application, the applicant seeks issue of the following interim order :

Be pleased to stay further operation, implementation and execution of, the impugned order of suspension and/or be pleased to suspend the further operation of the order of suspension; and direct the respondents to restore the applicant to active duties.

9. Details of remedies exhausted :

The applicant declares that in the facts of the case, no statutory remedy is available to him except by way of this application.

10. Matter not pending with any other court,
etc:

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of Bank Draft in respect of the application Fee :

1. Name of the Bank *Bank of Baroda*
on which drawn

2. Demand Draft No. *194443*

12. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed. *as per Index*

13. List of enclosures

Subhash Patel

In verification :

I, Subhash S. Patel, S/o Shanabhai Patel, age 31 years, working as lower division clerk in the office of Controller of Explosives, Baroda, resident of

do hereby verify that the contents from 1 to 13
are true to my personal knowledge and belief and
that I have not suppressed any material facts.

Place :

Date : 27-12-89

Sabbareshwar Shambhu Patel
Signature of the applicant

Y. N. Oza

Advocate for the applicant

Served by Mr. *Y. N. Oza*
Learned Advocate for Petitioners
With second set & *2* copies
Copies copy served/not served to
Other side

C. S. Patel

21/12/1989 Dy. Registrar C.A.T.(O)
Abad Bench

9
Annexure "A/l"

GOVERNMENT OF INDIA
DEPARTMENT OF EXPLOSIVES

No. G-9(7)

OFFICE OF THE
CONTROLLER OF EXPLOSIVES
Mrudula Sadan, 4th Floor,
Pratap Road, Raopura,
Baroda. 19th June 1982.

To
Shri Subhashbhai S. Patel.
At-Post-Awakhal
Taluka Sinor.
District: Baroda.

Sub: Appointment of the Post of L.D.C. in
this office.

Ref: This office letter of even No. Dt. 15-6-82.

Sir,

With reference to your letter dt. 19-6-82, intimating your willingness to join this office, you are hereby informed that you may report for duty in this office as a Lower Division Clerk in the scale of pay of Rs. 280-400 from 1-7-82.

You are requested to bring with you original character certificates from two gazetted officers of State of Central Government while reporting for Duty on 1-7-1982.

Yours faithfully,

Sd/.

(K.T.Lokhande)
Controller of Explosives
Baroda.

Copy for information to:

1. Dy. Chief Controller of Explosives, Bombay.
2. Staff Selection Commission, Bombay.

SLM/

True
(of)
D.S. Patel
Advocate

CONFIDENTIAL.

GOVERNMENT OF INDIA
DEPARTMENT OF EXPLOSIVES.

Tel. No. 220919

No. FC-7-S.

Bombay, dated: 31st Oct. 1989.

ORDER

WHEREAS a case against Shri Subhashbhai S.Patel Lower Division Clerk in the office of Controller of Explosives, Baroda, in respect of a criminal offence under investigation.

NOW, therefore, the undersigned, in exercise of the powers conferred by sub-rule (1) of rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 hereby places the said Shri Subhashbhai S.Patel, Lower Division Clerk in the office of Controller of Explosives, Baroda, under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri Subhashbhai S.Patel should be Baroda and the said Shri Subhashbhai S.Patel shall not leave the Headquarters without obtaining the previous permission of the undersigned.

*To
D.B. Patel
Advocate*

To
Shri Subhashbhai S.Patel,
Lower Division Clerk.
Office of Controller of Explosives,
Baroda.

(Orders regarding payment of subsistence allowance admissible to him during the period of suspension will be issued separately).

Sd./. Illegible.
(P.K. BANDYOPADHYAYA)
By. Chief Controller of Explosives
West Circle, Bombay.

श्री.

Anvesane

A 3

ता. ८-२-१९८६

मातुं नाम नंदुमार धमजीराव जादव उ.व.३५ शंडोळे टै-५२

रोपेशी नो रहे. १९ बागदेव नगर सूसायटी वाधोडी या रोड, वडोदरा

उबुमांजाहेर करी लापुंछु ते हुंउपरना, टैकांवी, रहुंछु अने

मारा घर पासे टै-५२ शोपेरोजालुंकाम कुंछुं या उपरांत आई. पी.

सो, अलू तथा रोडायनरीमां के टै-५२ के कुमोहलागेकालमी यस तथा

पेटोली यम वो डूस वगैरे सौख्यामां जावे ते टै-५२ अवां पेटोली यम

प्रोडक्स भरवा माटे यो यहुं ते कैम ? ते अमेना लायसेन्स मेण्यो

आपवा माटे टै-५२ रोना मालीक वतीधी ऐन्ट तरोडे के काम कुंछुं

आ लायसेन्स कुट्टो लर ओड अक्सली नो यनी कैरो महुवासदन रथा मारा

प्रतापरोड वडोदरा भाते छे. टै-५२मी अक्सलीमी यस ना लायसेन्सना

रो-यु माटेनामी अमेनीमां होय ते अने मोटा भागना टै-५२ मालीको

अने डूयवरो अमेनी जायंता होता नयी तेमर शोमं केवी रोते भरवा

तेनो तेमने माहीतो होतो नयी. जेथी टै-५२ मालीक वतीधी तेमो तरक्षधी

ओधो रोटो लेटर लही आ काम करी अपुंछु. आ ओधो रोटी लेटर मारे

मारो अनुकूलता भातर जायलो स्टाईल करी राखा ते तेनो नमुनो

हुंपाठ्यो राहु उरोडा.

टै-५२मा अकुलायी व भरवा माटेनालायसेन्सना रो-युनियन माटे

टै-५२नो नंबर, मालीको नाम अक्सलीमी यस लायसेन्स नंबर तथा

जुहरी शे रु. २००/- केमिकलरो डीमाइट्राइट्स नंबर वगेरेनी

वोगत रो-युनियन माटेना अपली केशन शोभमाल रथानी होय ते अने आ

काम माटे टै-५२ मालीक तरक्षधी मने रु. ४००/- मारी छे. जेमीधी

रु. २००/- केमिकल जाय ते अनेकांके ना रु. २००/- मारा खां तथा

महेनताप्ता पेटे लही तु.

गर्ही ता. ९-२-८६ ना रो४ टै-५२नं. श्री. आर. कु. प६प्य तथा

श्री. कु. ली. परवा ना मालीको मारो पासे आदेला अने उलेलुं के

अमारा टै-५२मां अक्सलीमी वा भरवा माटेनालायसेन्स पुरायकायी

धवानी तेयारीमां ते अने रो-यु करायवाना ते. टै-५२ नं. श्री. आर. कु.

प६प्य ना अक्सलीमी व लायसेन्सनी इंटर न. श्री. ली. आर. डी. वी.

प६प्य ना अक्सलीमी व लायसेन्सनी अस. श्री. ली. कु. ली. आर. डी. वी.

तथा टै-५२ नं. श्री. कु. ली. परवा ना अक्सलीमी व लायसेन्सनी

अ.पैटकर सवारना लगभग अगी यार वजे उपरोक्त क्षेत्रीमांगठ
श्री.पैटकर साहेब मणिलो अने कहुँ के साहेब रोन्युअलना कुस दोक
रु. २५०/- आपवा माटे सुमाइ भाइ शे कहुँ है मने पोछय तेम नथी।
तो श्री.पैटकरे मने कहुँ के २५०.२५०/- आपशो तो ४ रोन्युअलनुँ काम
धरो। मे तेमने कहुँ कुर्याइ मारो पासे २५.४००/- ही दैनकरना
लायसन्स रोन्युअलना २५.२००/- लेखे २५.४००/- आपी है ?
तो श्री.पैटकर मणेला नही अने मने २५.४००/- लई आपवा कहेता
मे तेमने कहुँ के साहेब २५.४००/- करोने आपुँ हुँ आप ओडीसमा० ४
मण्णो ? तो श्री. पैटकरे मने साइ शुद्धी ओडीसमा० ४ हुँ तमे पैरा
लईने आवो तमाकुँ रोन्युअलनुँ काम करो आपीश।

આ રોતે મારે શ્રી પેટકરને તેમનો મણિયાં મુશ્કે રૂ. ૫૦૦/-
ના રૂ. ૫માં લાંબું પેટે ટેન્કર નં. જી. આર. કુ. પદપપાત્રા ટેન્કર નં.
જી. કુ. બી. પરણા ના બેચુસા લોંગીવ લાયસન્સના રો. ચુંગલ. પેટે
આપવા નથી તેથી અવે ઇચ્છે યાદ કરવા આવયો છું. મારે અને શ્રી. પેટકરને
કોઈ અંગાત કૈવડ દૈવડ નથી કે મન દુઃખ કે અદ્દાવત ખા નથી. લાંબું પેટે
આપવાનો રૂ. ૫માં રૂ. ૫૦૦/- કુ. ૨૯૬૫ કરોશ.

- 3 -

સેટલો મારો ઈરો યાદ હકો કંત મારાલમાંયા મુજબ કરાબર
અને ખરો છે જે મેં વાંચો નો ચે સહી કરો છે.

સહી/- -----

દુષ્પ્ર

સહી/- અવાદ્ય
મદનોશ નો યામક
લાં કુ. વિ. માતુ વડોદરા.

Free (Copy)
D. B. Raval
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Submitted ;

C.A.T./JUDICIAL SECTION.

Original Petition No.:

of

Miscellaneous Petition No.

76

of

90.

Shri

S. S. Patel

Petitioner(s).

Versus.

Union of India & Ors

Respondent(s).

This application has been submitted to the Tribunal by
Shri

Y N Ora

UNDER Section 19 of the Administrative Tribunal Act, 1985.

It has been scrutinised with reference to the points mentioned
in the check list in the light of the provisions contained in
the Administrative Tribunals Act, 1985 and Central Administrative
Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given
to concerned for fixation of date.

The application has not been found in order for the reasons
indicated in the check list. The applicant may be advised to
rectify the same within 21 days. Draft letter is placed below for
signature.

Asstt. :

^{2/2}
Copy of order not filed
Verification claim not made in my issue of leave

S.O. (J) :

Application is not signed by applicant

Dy. R. (J) :

We may inform accordingly

DPL

2/2/90

KBSaw
02-02-90

GAC/-.

6/89
M.B. (14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH.

Misc. Application No. 76 of 1990

I N

Original application No. 560 of 1989.

Subhash S. Patel,

Lower Devision Clerk,

C/o. Controller of Explosives,

Baroda.

.. applicant

Versus

1. Union of India,

Notice to be served through,

Deputy Chief Controller, of

Explosives, West Circle, Industrial

Assurance Building,

Opp: Church Gate S tation,

Bombay-2.

2. Controller of Explosives,

Mrudula Bhavan, Raopura,

Baroda.

.. Respondents

An application for Restoration

1. The applicant submits that Mr. Y.N.Oza is appearing as an advocate in the above original application and the matter was appear on Board on 30.1.90 before this hon'ble Tribunal. But, the clerk did not inform to the advocate that the matter is on the Board, therefore, Mr. Oza did not remain present for conducting the matter before the hon'ble tribunal and the matter was dismiss for default, subsequently Mr.Oza come to know about the same, therefore, he prefers this Misc.Application for restoration and be please toheard on merit to-morrow i.e. 1.2.1990 or on the day after

30-1-90

tomorrow i.e. on 2.2.1990 as necessary order are require in the main original application.

2. Therefore, the applicant prays that

A) Be please to allow this Misc.application.

B) Be please to restore the original application no.560 of 1989 which is dimissed for the default.

Ahmedabad.

Date::: 31-1-90

JAtaga

Advocate for the applicant.

..... by Mr.....
Learned Advocate for Petitioners
With second set & copies copy served/not served to
other side

Dy. Registrar C.A.T (1)
A'bad Bench.

VERIFICATION

J. S. S. Patel, do hereby verify that the contents of this application are true to my personal knowledge & belief and that I have not suppressed any facts.

Place: Ahmedabad

Date : 28-2-80

(Signature of
the applicant)

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Submitted :

C.A.T./JUDICIAL
SECTION.

Original Petition No. : _____ of _____.

Miscellaneous Petition No. 4 of 1990.

Shri Subhash S. Patel Petitioner(s),
versus.

U. A. T. & Ors Respondent(s).

This application has been submitted to the Tribunal by Shri Y. N. Patel under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application is not found in order for the ~~same~~ reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

- ① Verification is not executed
- ② Copy of order is not certified as 'True copy'

We may inform accordingly

RM
16/2
ASTT

SO(D)

Dy. R(J)

MDA
19/2/90.

U. B. SAW
19.02.90

CH

We may issue obj. letter

Rm
1912

sd sd
20/2/90

ATT

SOJ 1/13 same
20/2/90

Chap

DYRJ

After concern when removed the office
objection

We may fix for orders

Rm
1/3

ATT

SOJ
away)

DYRJ

sd sd
1/3/90

Ch

St. 82/90

(15)

In the Central Administrative Tribunal,

Ahmedabad Bench.

Review

Misc. Application No. 2

of 1990.

in

Original Application No. 560 of 1989.

Subhash S. Patel.

Lower Devision Clerk,

C/o. Controller of Explosives,

Baroda.

... Applicant.

Vs.

1. Union of India.

Notice to be served through
Deputy Chief Controller of
Explosives, West Circle,
Industrial Assurance Building,
Opp: Church Gate Station,
Bombay.2.

2. Controller of Explosives,
Mrudula Bhavan, Raopura,
Baroda.

... Respondents.

- Application for review of
order passed on 30-1-90 by
this Hon'ble Tribunal.

I understand
I have served
copy of this
M.A. on
Mr. S.D. Ajmera
D.B. Ranch
30.1.90
A.P.

The applicant abovenamed-

Most Respectfully Sheweth that:

1. The above matter is filed before this Hon'ble court challenging the order of suspension passed by the respondent on 31-10-89 which is already annexed with the main original application.

2. The above matter was placed on board on 29-1-1990 for admission, but the Clerk of the advocate has not informed that ~~the~~ matter is on the Board on 29-1-90 and therefore, Mr. Y.N.Oza who is appearing for the applicant was not present on that day for arguing the matter. Therefore, on the very next day Mr. Oza has filed Misc. Application for restoration on assumption that ^{the matter} ~~there is~~ is dismissed for default, but when advocate received the order from the office on 12-2-90 it appears that the matter is rejected on merits without hearing advocate appearing for the applicant and it is also stated in the order that 'heard Mr. Y.N.Oza, the learned advocate for the applicant....'.
~~The said order is annexed with this application.~~
In fact Mr. Oza has not appeared on that day in the matter and it is not a correct statement hearing made in the order and without the advocate the matter is disposed of rejecting the application.

3. By way of this application the applicant requests to review the order passed on 30-1-90 Coram: Mr. A.V.Haridasan & M.M.Singh, and main matter may be played on board for admission.

4. The applicant, therefore, prays as under:

(A) Your Honour may be pleased to allow this application;

(B) Your Lordships will be pleased to review the order passed on 30-1-90.

(C) to pass such other and further orders necessary in the interest of justice.

A h m e d a b a d.

Dated. 16 -2-1990.

Y.N.Oza
(Yatin N. Oza)
Advocate for the Applicant.

..... filed by Mr.
Learned Advocate for Petitioners
with second set & copies
copies copy served/not served to
other side

Office 16/2/90
On 16/2/90 By Registrar A.T.O.
A.T.O. Bench

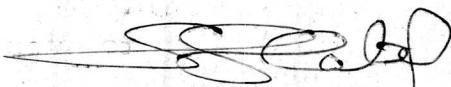
VERIFICATION

J. Subhash S. Patel, S/o.

Shankhai Patel, age 31 years,
working as Lower division clerk
in the office of controller of Explosives,
Baroda, do hereby verify that the
contents of this application are
true to my personal knowledge
and belief and that I have not
suppressed any facts.

Place : Ahmedabad

Date : 28-2-90.



(Signature of the
applicant).

Shri S.S. Patel	...	Applicant
Shri Y.N. Oza	...	Advocate
V/s.		

Union of India,
Thru' Dy.Chief Controller of
Explosives, West Circle,
Industrial Assurance Bldg.,
Opp. Chuchgate Station,
Bombay - 20.

Controller of Explosives,
Mrudula Bhavan, Raopura,
Baroda.

Shri J.D. Ajmera

...	Respondents
...	Advocate

Coram : Hon'ble Mr.A.V. Haridasan ... Judicial Member
Hon'ble Mr.M.M. Singh ... Administrative Member

30.1.1990

Heard Mr.Y.N. Oza, the learned advocate for the applicants and Mr.J.D. Ajmera, the learned advocate for the respondents. The relief sought in the application and the impugned order of suspension by Dy.Chief Controller of Explosives dt.31.10.89, going through the impugned order the Dy.Chief Controller of Explosives in exercise of the powers conferred by sub-rule(1) of rule(10) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 seems criminal case was under investigation. It is for the disciplinary authority to decide whether it is necessary in the interest of the administration to place the relevant against him the negotiation to be placed on suspension or not and we do not find any cause for admission. The application is rejected with no order as to costs.

Sd/-
(M.M. Singh)
Administrative Member

Sd/-
(A.V. Haridasan)
Judicial Member

Permit No: 3740
Complaint No: P.T.I
Date: 13.3.1990
13.3.1990
13.3.1990

True Copy
D.B. Patel
Advocate