

Central  
Ahmedabad Bench  
CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
A H M E D A B A D      B E N C H  
~~XXXXXXXXXX~~

R.A.4/90 in

O.A. No.560/89

198

~~Ex. No.~~

DATE OF DECISION 10.4.90

Subhash 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

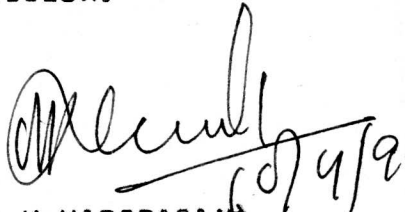
R.A.4/90 in O.A.560/89

(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

who  
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. Pateri .....

VERSUS  
Union of India & Ors

PART A B & C

SERIAL NO.	DESCRIPTION OF DOCUMENTS	PAGE
	<u>PART - I</u>	
1.	Applicant's Application	1-8
2.	Copy of letter dtd. 19-6-82	9
3.	Copy of order dtd. 31-10-89	10
4.	Other papers copy	11 to 13.
	<u>PART - II</u>	
	<u>PART - III</u>	
1.	Order dated 30-1-90	1
2.	Order dated 20-4-90	2



CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

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: 04/05/90

Countersigned

Section Officer/Court Officer.

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 T N Oga 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~~ <sup>has</sup> 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.

28/12

Mr (on leave)

so

DM

28/12

10/3/89  
28/12/88

CENTRAL ADMINISTRATIVE TRIBUNALAHMEDABAD BLNCH

APPLICANT (S)

Ss Patel

RESPONDENT(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. DD 194443  
6 29
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 EXAMINED

ENDORSEMENT 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. . _____ ?   | 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.   | Yes |
|     | (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 |

*Subel*

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.
-----		
1.	Application.	1 to 8.
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.

2 + 2

pn 6 196443

\*\*\*\*\*  
\*\*\*\*\*  
\*\*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Ahmedabad Bench, Ahmedabad.

Original Appln. No. 560 of 1989

Subhash S. Patel,  
Lower Division Clerk,  
O/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 Bldgs,  
Opp: Churchgate Station,  
Bombay-20.

2. Controller of Explosives,  
Trudula 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

I undertake  
to give copy  
of the application  
to Mr. J. D. Agrawal  
D. B. Rane  
Advocate.



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, Bombay
- (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 appli-  
cation 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 A3

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  
on which drawn

*Hyatt High cut Bell  
Station*

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 S. 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 :

Sabharwalbhai Sharnubhai Patel  
જાણીતો અને સહીત કરતા.  
Signature of the applicant

Date : 27-12-89

*J. N. Oza*

V. N. Oza

Advocate for the applicant

Filed by Mr. *V. N. Oza*  
Learned Advocate for Petitioners  
with second set & 2 copies  
copies copy served/not-served to  
other side

*C. S. Jee*

9128 / 12 / 89 Dy. Registrar C.A.T.(I)  
A'bad Bench

9

Annexure "A/1"

GOVERNMENT OF INDIA  
DEPARTMENT OF EXPLOSIVES

No. G-9(7)

To

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

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

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 Copy  
D.B. Rane  
Advocate*

Annexure "A/2".

CONFIDENTIAL.

GOVERNMENT OF INDIA  
DEPARTMENT OF EXPLOSIVES.

Tel.No.220919

No.FC-7-S.

Bombay, dated: 31st Oct. 1989.

O R D E R

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.

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

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).

True Copy  
D.B. Ranga  
Advocate

શ્રી.

Annexure

A3

તા. ૮-૨-૧૯૮૬

મારું નામ નંદકુમાર ધર્મજી રાવ જાદવ ઉ.વ. ૩૫ વર્ષો : ટેન્કર રીપેરીંગ નો રહે. ૧૬ બાગદેવ નગર સુ સાયટી લાઇડીયા રોડ, વડોદરા. રૂબરૂમાં જાહેર કરી લાવું છું કે હું ઉપરના ઠેકાણે રહું છું અને મારા ઘર પાસે ટેન્કર રીપેરીંગ કામ કરું છું. આ ઉપરાંત આઈ. પી. સી. એલ. તથા રોકાયનરી માં જે ટેન્કરો કેમીકલ એક્સપ્લોઝીવ તથા પેટ્રોલીયમ બોડફસ વગેરે ભરવામાં આવે છે જે ટેન્કર આવે પેટ્રોલીયમ પ્રોડક્ટ ભરવા માટે યોગ્ય છે કે કેમ ? તે ઓના લાયસન્સ મેળવી આપવા માટે ટેન્કરોના માલિક વતીથી એન્ટ તરીકે કામ કરું છું. આ લાયસન્સ કંટ્રોલર ઓફ એક્સપ્લોઝીવની કચેરી મહુવાસદન થયા માટે પ્રતાપરોડ વડોદરા ખાતે છે. ટેન્કરમાં એક્સપ્લોઝીવ ના લાયસન્સના રીન્યુ માટેના ફોર્મ અંગ્રેજીમાં હોય છે અને મોટા ભાગના ટેન્કર માલિકો અને ડ્રાઇવરો અંગ્રેજી જાણતા હોતા નથી તેમજ ફોર્મ કેવી રીતે ભરવા તેનો તેમને માહિતી હોતી નથી. જેથી ટેન્કર માલિક વતીથી તેઓ તરફથી ઓધોરોટોલેટર લઈ આ કામ કરી આપું છું. આ ઓધોરોટોલેટર મારે સારી અનુકૂળતા ખાતર સાયકલોસ્ટાઈલ કરી રાખ્યા છે તેનો નમુનો હું પાઠવતી રજુ કરીશ.

ટેન્કરમાં એક્સપ્લોઝીવ ભરવા માટેના લાયસન્સના રીન્યુઅલ માટે ટેન્કરનો નંબર, માલિકોનું નામ એક્સપ્લોઝીવ લાયસન્સ નંબર તથા જરૂરી ફી રૂ. ૨૦૦/- બેન્કમાં ભરી ડીમાન્ડ ટ્રાફ્ટનો નંબર વગેરેનો વીગત રીન્યુઅલ માટેના એપ્લિકેશન ફોર્મમાં ભરવાની હોય છે અને આ કામ માટે ટેન્કર માલિક તરફથી મને રૂ. ૪૦૦/- મળે છે. જેમાંથી રૂ. ૨૦૦/- બેન્કમાં જાય છે અને બાકી ના રૂ. ૨૦૦/- મારા ખર્ચ તથા મહેનતના પેટે લઈ છું.

ગઈ તા. ૬-૨-૮૬ ના રોજ ટેન્કર નં. જી. સાર. કયુ. ૫૬૫૫ તથા જી. કયુ. બી. ૫૨૪૧ ના માલિકો મારો પાસે આદેશ અને કહેણ કે અમારા ટેન્કરમાં એક્સપ્લોઝીવ ભરવા માટેના લાયસન્સ પુરા થયેલો થવાની તૈયારીમાં છે અને રીન્યુ કરાવવાના છે. ટેન્કર નં. જી. સાર. કયુ. ૫૬૫૫ ના એક્સપ્લોઝીવ લાયસન્સની રાઈલ નં. જી. જે/બી. સાર. ડી./ટી. એસ./૧૧ તથા ટેન્કર નં. જી. કયુ. બી. ૫૨૪૧ ના એક્સપ્લોઝીવ લાયસન્સની



કાઈલ નં. જીજી/બી. આર. ડી./ટી. એસ./૭૦૧ નો કાઈલોના  
કામ માટે તા. ૭-૨-૮૯ ના રોજ હું બપોરના લગભગ બે વાગે  
કન્ટ્રોલ ઓફ એક્સપ્લોઝિવ શ્રી. એ. ડી. વેટકર ની ઓફીસમાં ગયેલો તે  
વખતે શ્રી. પેટકર હાજર ન હતા. જેથી કલિકત્રી સુભાષીલાઈ પટેલને  
મળેલો અને ઉપરોક્ત બંને ટેન્કરોના કેસ રોન્યુઅલ માટે આપેલા જે  
બંને કાઈલોના બેન્ક વાઉચરની ઝેરોફા નકલો આ વખતે રજુ કરું છું.

શ્રી. સુભાષીલાઈએ મને કહેલું કે રોન્યુઅલનું કામ માજે ઘસે નહીં  
પેટકર સાહેબ બહાર છે. આવતી કાલે આવજો. અને રોન્યુઅલના એક  
કેસ દીઠ રુ. ૨૫૦/- લેખે રુ. ૫૦૦/- અમને ખુશ કરવા માટે  
આપવા પડશે. જેથી મેં તેમને કહેલું કે મને ટેન્કર માલિકી કો રુ. ૪૦૦/-  
આપે છે અને તેમાંથી બેન્ક ફાકટના રુ. ૨૦૦/- જતા મારો પાસે  
રુ. ૨૦૦/- થી ઓછી રકમ વધે છે. અને જો હું રુ. ૨૫૦/- આપું  
તો મને નુકશાન ઘસે તો શ્રી. સુભાષીલાઈએ મને કહેલું કે આવતી કાલે  
એટલે કે તા. ૮-૨-૮૯ ના રોજ સવારના પેટકર સાહેબને મળી ને  
વાત કરો લેજો. તેમ કહેતા હું ચાલ્યો આવેલો. આ વખતે અમારા  
બે શીવાય નજીકમાં હોઈ હાજર ન હતા.

આજરોજ સવારના લગભગ અગીયાર વાગે ઉપરોક્ત કચેરીમાં જઈ  
શ્રી. પેટકર સાહેબને મળેલો અને કહેલું કે સાહેબ રોન્યુઅલના કેસ દીઠ  
રુ. ૨૫૦/- આપવા માટે સુભાષીલાઈ એ કહ્યું છે મને પોષાય તેમ નથી.  
તો શ્રી. પેટકરે મને કહેલું કે રુ. ૨૫૦/- આપશો તોજ રોન્યુઅલનું કામ  
ઘસે. મેં તેમને કહેલું કે અગિયાર મારો પાસે રુ. ૪૦૦/- છે. બે ટેન્કરના  
લાયસન્સ રોન્યુઅલના રુ. ૨૦૦/- લેખે રુ. ૪૦૦/- આપી દઉં ?  
તો શ્રી. પેટકર માનેલા નહીં અને મને રુ. ૫૦૦/- લઈ આવવા કહેતા  
મેં તેમને કહેલું કે સાહેબ રુ. ૫૦૦/- કરીને આપું છું આપ ઓફીસમાં જ  
મળશો ? તો શ્રી. પેટકરે મને સાજી સુખી ઓફીસમાં જ છું તમે પેસા  
લઈને આવો તમારું રોન્યુઅલનું કામ કરી આપોશ.

આ રીતે મારે શ્રી પેટકરને તેમની મિલકતી મુજબ રુ. ૫૦૦/-  
નો રકમ લાઈ પેટે ટેન્કર નં. જી. આર. ક્યુ. પદ્મપત્તના ટેન્કર નં.  
જી. ક્યુ. બી. ૫૨૪૧ ના એક્સપ્લોઝિવ લાયસન્સના રોન્યુઅલ પેટે  
આપવા નથી તેથી અત્રે ફરિયાદ કરવા આવ્યો છું. મારે અને શ્રી. પેટકરને  
કોઈ અંત લેવડ દેવડ નથી કે મન દુઃખ કે અદાવત પણ નથી લાઈ પેટે  
આપવાનો રકમ રુ. ૫૦૦/- હું રજુ કરીશ.



- 3 -

જેટલી મારો કરો વાદ હકીકત મારાક્ષાત્વના મુજબ બરાબર  
અને ખરી છે જે મેં વાંચી નીચે સહી કરી છે.

સહી/- -----

રૂબરૂ

સહી/- અવલોક્ય

મદદનીશ નીચામક

લા. રૂ. વિ. માતૃ વડોદરા.

*True Copy*  
*D. B. Ranu*  
*Advocate*

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD.

Submitted ;

C.A.T./JUDICIAL SECTION.

Original Petition No.:

of

Miscellaneous Petition No.

of

Shri

S S Patel

Petitioner(s).

Versus.

Union of India & Or

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. :

S.O. (J) :

Dy. R. (J) .:

Copy of order not filed.  
Verification clause not made in my issue of leave

Application is not signed by applicant

We may inform accordingly.

*[Signature]*

2/2/90

1/3/90  
02-02-90

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 dismissee for default, subsequently Mr.Oza come to know about the same, therefore, he prefers this Misc.Applic-  
ation for restoration and be please toheard on merit to-morrow i.e. 1.2.1990 or on the day after

30-1-90

mmr 62/89

(14)

Copy served  
on Mr. J.D. Jhingra  
Advocate.

..2/-

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 dismissed for the  
default.

Ahmedabad.

Date:: 31-1-90

.....  
(Yatin N. Oza)

Advocate for the applicant.

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

Di. 31/1/90 Dy. Registrar C.A.T (1)  
A'bad Bench,

### VERIFICATION

I, 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 : 28-2-90

(Signature of  
the applicant)

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BLNCH  
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 I Don Respondent(s).

This application has been submitted to the Tribunal by Shri Y. N. Oza 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 <sup>has</sup> 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.

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

We may inform accordingly

Rm  
16/2  
ASH

SO(T)

DY.R(T)

CK

mpl a  
19/2/90.  
1/CS/11/11  
19.02.90

We may issue obj. letter.

Rm  
19/12

AHT

SOOT

DYRTJ

ord a  
20/11/90

1/13/90  
20/10/90

CHART

Actu conceen has removed the official  
objections

We may fix for orders

Rm  
1/3

AHT

SOOT

away)

DY-RTJ

ord a  
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 Division 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 have served  
copy of this  
M.A. on  
Mr. J.D. Ajmera*

*D.B. Rana  
for S.H. Jha*



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 ~~there is~~ <sup>the matter</sup> 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 made in the order and without <sup>hearing</sup> 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. *D. B. Hansa for Y.N. Oza*  
Learned Advocate for Petitioners  
with second set & .....  
copies copy served/not served to  
other side

On 16/2/90

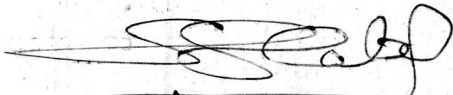
*Atul* 16/2/90  
By Registrar A.T. (1)  
Atul Banch

VERIFICATION

I, Subhash S. Patel, s/o.  
Shanakhai 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.

... Respondents

Shri J.D. Ajmera

... 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 of 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

Dated: 30.1.1990

Compa: P.T.I.

FILED COPY

10 B. Singh  
08.12.80

RECEIVED

True Copy  
D.B. Rana  
Advocate.

