

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
NEXWxDExKHNXO.A. No. 27
TAXON

1990

DATE OF DECISION 5/4/1990

Shri Chandrakant Ramchandra Pawar Petitioner

Shri Girish Patel

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri N.S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. A.V. Haridasan : Judicial Member

The Hon'ble Mr. M.M. 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?

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O.A./27/90

Shri Chandrakant Ramchandra Pawar
House No.1417, Dholi Kui,
Machchhi Bazar, Bharuch.

: Applicant

versus

1. Union of India
through the Secretary,
Ministry of Railways,
New Delhi.

2. General Manager,
Western Railways,
Churchgate, Bombay.

3. Divisional Railway
Manager, Pratapnagar,
Vadodara.

: Respondents

Coram : Hon'ble Mr. A.V.Haridasan

: Judicial Member

Hon'ble Mr. M.M.Singh

: Administrative
Member

ORAL ORDER

Date: 5/4/1990

Per: Hon'ble Mr. A.V.Haridasan

: Judicial Member

Heard Mr.Sharad Pandit for Mr.Girish Patel and
Mr.N.S.Shevde, learned counsel on either side.

Aggrieved by an order of compulsory retirement as a
punishment for misconduct pursuant to a departmental
inquiry the applicant has filed this application ^{Praying} ~~saying~~ that the impugned order of punishment being grossly
disproportionate, may be quashed. At the first instance
accepting ^{the} finding of the inquiry officer that the
applicant was guilty, the disciplinary authority had
ordered his removal from service, challenging that removal
the applicant had filed a Civil Suit before the Civil
Judge, Senior Division, Bharuch which was transferred
to this tribunal and renumbered as TA/1087/86 and
disposed of the ~~same~~ on 7.7.88 directing the respondents
to consider imposing a lesser penalty taking into account
^{nature} the gravity of misconduct committed. The disciplinary
authority has reconsidered the matter and changed the
punishment to compulsory retirement from removal to ~~from~~

29 (1)

service. Against the above decision of the disciplinary authority, the applicant has preferred a review to Chief Mechanical Engineer, Churchgate, Bombay which is still pending. The review was filed on 23.9.89. This application has been filed on 17.1.1990. Having ^{filed the review application} we are of the view that the applicant should have ^{been} given sufficient time for the Chief Mechanical Engineer to consider the review application and to pass appropriate order before deciding to approach the Tribunal. Any way we are of the view that the interest of justice would ^{be met in} meet if the Chief Mechanical Engineer is directed to dispose of the ~~Review~~ application submitted by the applicant within a period of three months from the date of ~~the~~ communication of this order taking into account the long service of the ^{the nature of the} applicant and proved misconduct in accordance with the law. We, therefore, admit the application and dispose of the same with the above direction. If the applicant is aggrieved by the outcome of the review application, he will be at liberty to approach the Tribunal for proper relief. With the above direction, the application is disposed of.

H. H. L.

(M.M. Singh)
Administrative Member



(A.V. Haridasan)
Judicial Member

a.a.b.

(3)

M.A./383/91

in O.A. 27/90

Date	Office Report	ORDER
24.2.1992	None present for the applicant. Mr. N.S. Shevde learned advocate for the respondents is present. In the interest of justice the matter is adjourned.	
		<i>Resil</i> (R.C. Bhatt) Member (J)
		<i>Y.</i> (M.Y. Priolkar) Member (A)
20.7.1992.	Present: Mr. Sharad Pandit for Mr. Girish Patel, learned counsel for the applicant. Mr. N.S. Shevde, learned counsel for the respondents.	
	Question is whether O.A. 27/90 can be restored or a fresh application had been filed. The learned law counsel for the applicant seeks two weeks time. Time granted. Call on 5th August, 1992.	<i>Resil</i> (R.C. Bhatt) Member (J)
		<i>l</i> (N.V. Krishnan) Vice Chairman
	vtc.	

M.A. 383/91

in

O.A. 27/90

Date	Office Report	ORDER
(6) 5.8.92		<p>Present: Mr. Sharad Pandit for Mr. Girish Patel, Adv/Apt. Mr. N S. Shevde, Adv/Res.</p> <p>We have heard the parties. In view of the arguments and the reply furnished by the respondents, the learned counsel for the applicant seeks permission to withdraw this M.A. keep with liberty to impugn the proper order, the Chief Operative Superintendent referred to, the respondents' reply. Heard. In this view of the matter, the permission is granted, ^{and} M.A. is closed on the aforesaid terms.</p> <p><i>Renj</i> <i>UV</i> (R.C.Bhatt) Member (J)</p> <p><i>UV</i> (N.V.Krishnan) Vice Chairman</p> <p>vtc.</p>