

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 99/92

~~P.A. 33/92~~

DATE OF DECISION 13/10/1993

Smt. Swaroopkuwarba Balvantbhai Petitioner
Makwana

Mr. P. F. Makwana Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. Jayant Patel Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel : Vice Chairman

The Hon'ble Mr. V. Radhakrishnan : Member (A)

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 ?

No.

Smt. Swaroopkuwarba Balvantbhai Makwana,
P.A., P & T, Vadodara West,
B-3/21, P & T Colony, Harni Road,
Varodara.

: Applicant

(Advocate: Mr. P. F. Makwana)

Versus

1. Union of India
Through:
The Chief Post Master General,
Gujarat Circle,
Khanpur, Ahmedabad.
2. Senior Superintendent of
Post Offices, Vadodara West,
Fatehganj, Vadodara-2.
3. Post Master General,
Vadodara Circle,
Pratapganj, Vadodara-2.

: Respondents

(Advocate: Mr. Jayant Patel)

ORAL JUDGMENT

IN

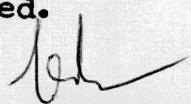
O.A./99/92

Date: 13/10/1993

Per Hon'ble Mr. N. B. Patel

: Vice Chairman

The applicant and her advocate ~~are~~ ^{not} present though the case was called out in the first sitting and is called out in the second sitting also. It appears that, in the past also, the applicant and her advocate remained absent on several occasions. The applicant was required to pay the rent for the quarter as a condition to the grant of interim relief against her eviction. Mr. Patel, under instructions from the officer of the department, states that the applicant has not been paying any rent whatsoever since July, 1992. Application is, ~~therefore~~, dismissed for default, without any order as to costs. Interim relief vacated.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

(6)

O.A. 99/92

Date	Office Report	Order
22-10-93		<p>Mr. Makwana regrets his error in making imprecise statement in paragraph 4 of his application that all the facts stated in the application are taken from record. The lapse is, therefore, overlooked.</p> <p>M.A. 572/93 allowed. The order disposing O.A. 99/92 set aside and the said O.A. is restored to file. M.A. disposed of accordingly.</p> <p><u>O.A. 99/92</u></p> <p>Interim relief as granted by our order dated 20-3-1992 is also restored, as Mr. Makwana states that the applicant has already deposited/paid upto date rent.</p> <p>O.A. fixed for final hearing on 24-11-1993.</p> <p><i>ASL</i> (V. Radhakrishnan) Member (A)</p> <p><i>NB</i> (N.B. Patel) Vice Chairman.</p>
24/11/93		<p><i>Notice issued</i></p> <p>The applicant and Mr. Makwana are not present. Adjourned to 9.12.1993.</p> <p><i>ASL</i> (V. Radhakrishnan) Member (A)</p> <p><i>NB</i> (N.B. Patel) Vice-Chairman</p>
		<p>a.a.b.</p>

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Date	Office Report	Order
9-12-93	<p>M.A. is registered Document produced is also taken as A-9 Smta 3/12</p>	<p>The objection being too formal, MA is ordered to be registered even though the objection is not removed. M.A. allowed. Documents produced with the M.A. be taken on record as A-9. MA disposed of.</p> <p>At the request of Mr. Kakwana adjourned to 3-1-94</p> <p>R</p> <p>(K. Ramamoorthy) Member (A)</p>
3-1-94		<p>(N.E. Patel) Vice-Chairman</p> <p>pkk</p> <p>At the request of Mr. Mukesh Patel on the ground of his sudden sickness, adjourned to 04-1-94.</p> <p>R</p> <p>(K. RAMAMOORTHY) MEMBER (A)</p> <p>(N. B. PATEL) VICE CHAIRMAN</p>
4-1-94		<p>*AIT</p> <p>For want of time the matter is adjourned to 7-1-94</p> <p>R</p> <p>(K. RAMAMOORTHY) MEMBER (A)</p> <p>(N. B. PATEL) Vice Chairman</p>

DATE	OFFICE REPORT	ORDER
07.01.1994.		<p>Mr.P.F.Makwana is present. Mr.Jayant Patel is not present. The matter is adjourned to 21.1.1994.</p> <p>(K.Ramamoorthy) Member (A) (N.B.Patel) Vice Chairman</p> <p>ait</p>
21/1/94		<p>For want of time, adjourned to 2.2.1994.</p> <p><i>VR</i> <i>NB</i> (V.Radhakrishnan) Member (A) (N.B.Patel) vice Chairman</p> <p>m.p.</p> <p><i>2-2-94</i></p> <p><i>As the learned Member of the Bench is not available, the matter is adjourned 2-2-94</i></p>
2-2-94		<p><i>DR</i></p> <p>K. RAMAMOORTHY MEMBER IA</p>

O.A./99/92

(O)

Date	Office Report	Order
3/2/94		<p>Time being over, adjourned to 8 07.2.94.</p> <p><i>R</i></p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p>
7-2-1994		<p>m.p.</p> <p>Heard in part. Adourned to 9-2-1994, for further hearing.</p> <p><i>R</i></p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p>
9/2/94		<p>m.p.</p> <p><i>R</i></p> <p>other As the learned Member of the Bench is not available the matter is adjourned to 14/2/94</p>
14-2-94		<p><i>R</i></p> <p>other As the learned Member of the Bench is not available, the matter is adjourned to 8.2.94</p> <p><i>R</i></p> <p>K. RAMAMOORTHY MEMBER (A)</p> <p>K. RAMAMOORTHY MEMBER (A)</p>

Date	Office Report	Order
1-3-1994	/ objection made, so adjourned the matter is adjourned to 18-3-1994.	<p>Both the advocates are not present. However the matter is adjourned to 18-3-1994.</p> <p><i>R</i></p> <p>(K. RAMAMOORTHY) Member (A)</p> <p>(N.B.PATEL) Vice Chairman.</p> <p>*AS/mp.</p>
18-3-94		<p>Time being over, adjourned to 7/4/94.</p> <p><i>R</i></p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>*AS*</p>
07.4.1994.		<p>At the joint request of Mr. Makwana and Mr. Mukesh Patel, adjourned to 15.4.1994, as there is possibility of settlement.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
15/4/94		<p>ait.</p> <p><i>other</i></p> <p><i>As the learned Member of the Bench is not available, the matter is adjourned to 26/5/94.</i></p> <p><i>R</i></p> <p>K. RAMAMOORTHY MEMBER (A)</p>

Date	Office Report	ORDER
06.5.1994.	<i>Mr. N.B. Patel</i> <i>has given</i> <i>Jayant Patel</i> <i>and his wife</i> <i>joint appearance</i>	<p>At the joint request of Mr. P.F. Makwana and Mr. Mukesh Patel, adjourned to 12.5.1994.</p> <p><i>R</i> (K.Ramamoorthy) Member (A)</p> <p><i>N.B. Patel</i> (N.B. Patel) Vice Chairman</p> <p>ait.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 99 OF 1992.
~~XXXXXX~~

DATE OF DECISION 12th May, 1994.

Smt. Swaroopkuwarba Balvantbhai Petitioner

Shri P.F.Makwana Advocate for the Petitioner (s)

Versus

Union of India and Ors. Respondent

Shri Jayant Patel Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B.Patel : Vice Chairman

The Hon'ble Mr. K. Rammoorthy : Member (A)

JUDGMENT

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

No

Smt. Swaroopkuwarba Balvantbhai
Makwana,
working as P.A., P & T,
Vadodara West,
B-3/21, P & T Colony,
Harni Road, Vadodara.

... Applicant.

(Advocate : Mr. P.F.Makwana.)

Versus.

1. Union of India,

(Notice to be served through
The Chief Post Master General,
Gujarat Circle,
Kahnpur, Ahmedabad.).

2. Senior Superintendent of
Post Offices, Vadodara West,
Fatehganj, Vadodara - 2.

3. Post Master General,

Vadodara Circle,
Pratapganj, Vadodara - 2. ...

Respondents.

(Advocate : Mr.Jayant Patel.)

ORAL JUDGMENT.

Original Application No. 99 of 1992.

Date : 12-5-1994.

Per : Hon'ble Mr. N.B.Patel : Vice Chairman.

After holding a Departmental Inquiry against the Applicant, she is awarded punishment of dismissal by an order dated 11-1-1991 passed by the Respondent No.2. The Applicant preferred an appeal against this punishment order and the said appeal is dismissed by the Appellate Authority, by an order dated 23-5-1991, solely on the ground that the appeal was time-barred by one day. We are clearly of the opinion that the Appellate

Authority should not have taken such a narrow, technical view in the matter and should have condoned the delay even though the applicant might not have assigned any ^{valid} reason for the delay in the appeal filed by her.

Mr. P.F. Makwana, the learned Advocate appearing for the Applicant, states, on instructions from the Applicant who is personally present before us, that the Applicant will be satisfied if the appeal is remanded to the Appellate Authority with a direction to decide the same on merits within a specified time-limit and if liberty is reserved to the Applicant to take appropriate steps in the event of the Appellate Order being adverse to her. Mr. Mukesh Patel, on behalf of the Respondents, states, on instructions from Mr. K.R. Raval, Inspector of Post Office (Complaint/Grievances) Vadodara (West Division) who is personally present in the Court Room, that ~~an~~ appeal being remanded, the same shall be decided on merit within such time as may be prescribed by us. In the result, we remand the appeal dated 26th February, 1991 preferred by the Applicant to the Appellate Authority, i.e. the Director, Postal Services Vadodara Region, Vadodara and direct him to decide the appeal on merits within a period of 8 (Eight) weeks from the date of the receipt of a copy of the order ^{then} ~~by him~~. received by him, ignoring the delay which seems to occurred in filing of appeal. We further direct the Appellate Authority to pass a speaking order and ^{his} indicate a decision to the Applicant within a period one week after the same is taken. It will be open to the Applicant to take appropriate remedy in the matter if she is aggrieved by the decision that may be taken.

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Appeal. In view of the direction, Mr. Makwana, seeks permission to withdraw the Original Application.

Original Application stands disposed of as withdrawn.

The Respondents are directed not to evict the *applicant* *Appellant* from the quarters occupied by her till a period of 3 (Three) weeks after the decision in the Appeal is communicated to her on condition that the *shall* applicant *shall* continue to pay rent for the quarters regularly as at present.

R.S
(K. Rammoorthy.)
Member (A).

V7
(N.B. Patel.)
Vice Chairman.

MHP/