

*Inquiry*

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A. No.** 185/92  
~~Ex-Axx-Nox~~

**DATE OF DECISION** 17.8.1992

Shri Govindbhai D. Chhasia, **Petitioner**

Mr. P.H. Pathak, **Advocate for the Petitioner(s)**

**Versus**

Union of India & Ors. **Respondent**

Mr. R.M. Vin, **Advocate for the Respondent(s)**

**CORAM :**

**The Hon'ble Mr. 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?

Shri Govindbhai D. Chhasia,

Applicant

Vs.

1. Union of India,  
Through;  
General Manager,  
Western Railway,  
Churchgate,  
Bombay.

2. Divisional Operative Supdt.  
Western Railway,  
Bhavnagar Para,  
Bhavnagar.

Respondents.

O R A L J U D G M E N T

O.A./185 of 1992.

Date: 17.8.1992

Per: Hon'ble Mr. R.C. Bhatt, Member (J)

1. Heard Mr. P.H. Pathak, learned advocate for the applicant and Mr. R.M. Vin learned counsel for the respondents.
2. The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking the relief for declaration that the inquiry proceeding conducted against him without supplying the documents on which the respondents relied was illegal, hence, the same be quashed. He has also prayed other reliefs in the application. This application was filed before the impugned order was passed against him by the disciplinary authority. Notice was issued to the respondents on admission for filing reply. Mr. R.M. Vin learned advocate for the respondents appares today and he has submitted that decision was given on 16th

March, 1992 by the disciplinary authority vide Annexure R and as the order is passed by the disciplinary authority proper remedy for the applicant is to file appeal against it, and that this application cannot be maintained.

3. The learned advocate Mr. Pathak, for the applicant submits that applicant would file an appeal before the proper authority against the order passed by the disciplinary authority produced by the respondents at Annexure R but the point of limitation from the date of this application till today should not come in the way of applicant before appellate authority. He submitted that appropriate direction be given in the order. The applicant seeks permission to withdraw this application.

4. After hearing learned advocates, we pass the following order.

O R D E R

The applicant is allowed to withdraw this application. The applicant to file an appeal before the competent authority against the impugned order Annexure R passed by the disciplinary authority with a direction that the time taken by the applicant from the date of this application i.e. 8th April, 1992 till today i.e. up to 17th August, 1992 may not be counted by appellate authority while computing limitation for filing appeal. The application is disposed of accordingly with no order as to costs. Direct service permitted to the respondent no. 2.

*Tewl*  
(R.C. Bhatt)  
Member (J)

*17.8.92*  
(N.V. Krishnan)  
Vice Chairman