

B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Removal

O.A. No. 106/93 with M.A. 67/93 and M.A. 124/93
T.A. No.

DATE OF DECISION 20-4-1993

Shri A.G.V. Majothi Petitioner

Shri B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri R.M. Vin 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

Shri Abdul Gafar Valimohmed Majothi
 Railway Quarters No. EL/34/65
 Gondal

Applicant

Advocate Mr. B.B. Gogia

Versus

1. Union of India
 Owing and Representing
 Western Railway,
 Through :
 General Manager,
 Western Railway,
 Churchgate, Bombay.
2. Chief Electrical Engineer,
 Western Railway, Churchgate,
 Bombay.
3. Asst. Electrical Engineer
 Workshop,
 Western Railway,
 Bhavnagar Para

Respondents

Advocate Mr. R.M. Vin

ORAL JUDGEMENT

In

O.A. 106/93 with M.A. 67/93

&

M.A. 124/93

Date; 20-4-1993


Per Hon'ble Shri N.B. Patel


Vice Chairman

The respondents are directed to initiate and conclude the inquiry on the charge sheet (Annexure A-1) dated 17-9-1985, within four months from the date of the receipt of the copy of this order. The applicant is directed to co-operate with the authorities in the matter of early disposal of inquiry and if the applicant unduly prolongs the inquiry, the respondents will be at liberty to seek

extension of time for concluding the inquiry. It may be observed that, by the order dated 16-9-1987 (Annexure A-3), the respondents have decided to hold de novo inquiry outside Gondal i.e. at Bhavnagar. It may further be observed that in that order it is stated that the order removing the applicant from service has not been withdrawn. It is difficult to understand as to how the respondents could have decided to hold de novo inquiry without cancelling the order of removal which was passed at the end of the ^{first} inquiry. In our view, the order to hold de novo inquiry necessarily implies cancellation of the earlier removal order dated 6-10-1986. As a consequence of this position, we are of the view that the applicant will be entitled to claim either wages or at least subsistence allowance, and if the applicant approaches the respondents for the same, the respondents will duly consider his request and take decision thereon.

2. In view of these directions and observations, Mr. Gogia seeks permission to withdraw the application. Permission granted. Application stands disposed of as withdrawn. Notices discharged. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

*AS.

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 04/106/93 of 19

Transfer Application No. _____ Old W.Pett 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 : 25/01/94

Countersigned :

Amberd 31-1-84
Section Officer/Court officer

ccdd
Signature of the Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. 106 of 19 93
Transfer Application No. _____ Old W. Pett.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 : 20/5/93.

Countersigned :

[Handwritten signature]
20/5/93

Section Officer/Court officer

[Handwritten signature]

Signature of the Dealing Assistant

[Handwritten signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

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NAMES OF THE PARTIES Shri D. G. V. Majithi

VERSUS
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AT AHMEDABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL