

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

TRANSFERRED APPLICATION NO.504/87

Shri Ramchandra Krishna Kale
Ex. UPC Buckle No.1895 of
the Central Railway
R/o. Village Tupari
Talq. Tasgaon
Dist. Sangli

Applicant

V/s.

1. Union of India
through the General Manager
Central Railways; Bombay
2. Secretary
Home Department
Government of Maharashtra
Mantralaya; Bombay 400032
3. The Superintendent of Police
CSC & W.Rlys. Pune

Respondents

Coram : Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) P. Srinivasan

TRIBUNAL'S ORDER
(PER: B C GADGIL, VICE CHAIRMAN)

DATE : 29.8.1988

Writ Petition Stamp No. 12277/85 of the file of the High Court of judictuare at Bombay is transferred to this Tribunal for decision. Thereafter the Tribunal has issued notice to the parties. Notice to the applicant was not served on the address that was given, hence by our order dated 27.6.1988 we directed that the notice be sent to the applicant on the address of his native palce. Such a notice was sent returnable to-day. It is in this way that the matter has come before the Tribinal to-day.

2. We have heard the applicant in person. Mr. T D Ghaisas, Law Assistant for the Railway Administration is present on behalf of the respondents.

3. It appears that the applicant was a police constable. He was working at Pune. A departmental enquiry was held against him and he was dismissed from service by the DSP. He told that he initially preferred an appeal to the DIG and thereafter to the IGP. Both these appeals were rejected. Hence he preferred an appeal

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to the Government of Maharashtra (Home Department). He showed us an order dated 15.1.1983 passed by the Home Department reducing the penalty to that of removal from service. These facts have been mentioned by the applicant in his application (i.e., the writ petition). From these facts it is clear that the applicant was an employee of the Government of Maharashtra in its Police Department and not of the Railways or the Government of India. Thus the dispute of the applicant is in connection with removal from service from his post of police constable in the police department of the Government of Maharashtra. Such a dispute is not entertainable by us. It would, therefore, be necessary to retransfer the proceedings to the High Court. Hence we pass the following order:

ORDER

Writ Petition Stamp No. 12277/85 is retransferred to the High Court. Office to send the record and proceedings to the Registrar of High Court for being placed before an appropriate Bench for further orders as the High Court may deem fit. Along with the record and proceedings a copy of this order should be sent.



(P. Srinivasan)
Member(A)



(B C Gadgil)
Vice Chairman