

(C2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A.526/87

Tata Venkata Satyanarayana Sarma,
B-7, Hyderabad Estate,
Napean Sea Road,
Bombay - 400 026.

... Applicant

vs.

The Director General of Shipping,
"Jahaz Bhavan"
Walchand Hirachand Marg,
Bombay - 400 001.

... Respondent

Coram: Hon'ble Vice-Chairman B.C.Gadgil
Hon'ble Member(A) J.G.Rajadhyaksha

Appearances:

1. Mrs.P.R.Shetty
Advocate for the
Applicant.
2. Mr.J.D.Desai
(For Mr.M.I.Sethna)
Advocate for the
Respondent.

ORAL JUDGMENT

Date : 26-8-1987

(Per B.C.Gadgil, Vice-Chairman)

Heard Mrs.Shetty for the applicant and Mr.
J.D.Desai(for Mr.M.I.Sethna)for the respondent on
the question of admission of this application.

2. An order inflicting a penalty of discharge
from service was issued on 21st July, 1987. The applicant
has preferred an appeal against that decision on
10-8-1987. It is this order of penalty that is being
challenged before us in this application.
3. Ordinarily, the Tribunal will not entertain
any matter unless the applicant has availed of all the
remedies available to him under the service rules. As
stated above the applicant has preferred an appeal
about 15 days back. Some time will be required for
the appellate authority to decide the matter. Of course,
the applicant will be able to approach this Tribunal
incase the appeal is not decided within a period of

Six months. Under these circumstances we do not intend to entertain the matter at this stage.

4. Mrs. Shetty, however, contended that the applicant who is in occupation of the Govt. accommodation is likely to be thrown out and in that case the applicant would suffer an irreparable loss if ultimately he succeeds in his appeal. It is true that some order will be necessary to avoid such a contingency. We think that we should pass an order to ~~that effect~~ ^{the effect that} the eviction order should not be executed against the applicant for a period of three weeks from ^{the date} such order is communicated. This would enable the applicant to take appropriate proceedings as are permissible under the law.

5. The application is therefore summarily rejected with a direction that any order of eviction that may be passed against the applicant should not be executed for a period of three weeks from the date of the said order is communicated to the applicant. The respondent is directed to communicate this order to the appropriate authority who is expected to initiate such proceedings.

B.C.Gadgil

(B.C.GADGIL)
Vice-Chairman

(J.G.RAJADHYAKSHA)
(J.G.RAJADHYAKSHA)
Member(A)