

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH.

CAT/BOM/Stamp No. 302/87

P.R.Mahimkar,
C/o.Shri G.S.Walia,
Advocate,
89/10,Western Railway Quarters,
Matunga Road,
Bombay - 400 019.

... Applicant

v/s.

1. Union of India
through
The General Manager,
Western Railway,
Churchgate,
Bombay - 400020.
2. General Manager,
Western Railway,
Churchgate,
Bombay - 400020.
3. Deputy Chief Personnel Officer(W),
Workshop, Parel, Western Rly.,
Bombay - 400 013.
4. C.V.Harshe,
Enquiry Officer(Vigilance),
Headquarters Office,
Western Railway,
Churchgate,
Bombay - 400 020. ... Respondents.

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

Appearance:

1. Shri G.S.Walia, Advocate,
for the Applicant.

JUDGMENT

Date:27-4-1987

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

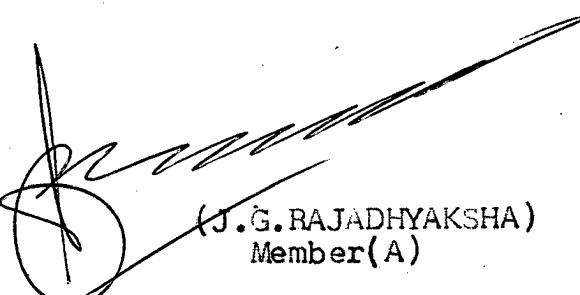
Heard Mr.Walia for the applicant as regards
the admission and grant of interim relief.

2. Mr.Walia made certain submissions, but thereafter
frankly stated before us that instead of deciding the
points raised by him he may be permitted to withdraw the
application in case the Tribunal would be inclined to grant

an opportunity to the applicant to cross examine the Principal Mr. Borges of the Antonio D'Silva High School. It is true that the evidence of that witness was recorded on a date previously fixed. The grievance of the applicant is that he could not attend the enquiry on that date as he was on sanctioned leave and was to be out of station. He made an application to that effect on 2nd May, 1986 and it was rejected. This can be seen from page 48 of the compilation. In our opinion grant of opportunity to crossexamine the witness would be in the interest of parties and it will not ~~be~~ prejudice ~~to~~ anybody, and hence we would like to issue necessary directions as follows :-

- (1) The application is disposed of as withdrawn however, subject to a direction that the Enquiry Officer should give an opportunity to the applicant to crossexamine the Principal R. Borges. For that purpose the Enquiry Officer would fix a date and time.
- (2) The applicant undertakes that he would not ask for any adjournment in that respect.
- (3) It is, however, made specifically clear that this direction will not be operative if the Disciplinary Authority has already passed an order.


(B.C.GADGIL)
Vice-Chairman.


(J.G.RAJADHYAKSHA)
Member(A)