

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 653/87

~~XXXXXX~~

198

DATE OF DECISION 19.6.1991

Mr. N. L. Patil

Petitioner

Mr. D. V. Gangal

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. V. M. Bendre

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, 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 ?

U.C.Srivastava
(U.C.Srivastava)
Vice-Chairman

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

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Original Application No. 653/87

Nilkanth Liladhar Patil,
C/o. Kashiram Supdu Ingle,
Pimpalgaon Khurd,
Post : Achegaon,
Taluk : Bhusawal,
Dist. Jalgaon.

... Applicant

v/s

1. Union of India through,
Ministry of Defence,
Director General of the Ordnance
Factory Board, 44, Park Street,
Calcutta - 16.
2. The General Manager,
Ordnance Factory,
Varangaon, Dist. Jalgaon.
3. Chairman,
Ordnance Factory Canteen,
Varangaon, Dist. Jalgaon.

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. D.V.Gangal, Advocate
for the applicant and Mr.
V.M.Bendre, holding the brief
of Mr. P.M.Pradhan, Counsel
for the respondents.

ORAL JUDGEMENT:

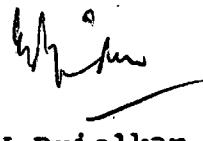
Dated : 19.6.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant was appointed as Canteen Vendor for a period of three months and the said period was extended for another three months. It appears that the applicant was appointed as casual worker by the Chairman of the Canteen Committee and it was found that ^{was} he was selling old coupons which was already declared as lost on 12.12.1990 and that is why a show cause notice was issued to him. Although the applicant has not stated

fully the facts in the application, from the written reply and the documents filed with it, it has been found that he submitted a reply to the same and an enquiry was also held and before the Inquiry Officer also he rather admitted his guilt and has given explanation for the same and as such he was removed from service. Learned counsel for the applicant contended that the applicant was although a temporary employee but still a Government servant, as such procedure to be followed in the case of a Government servant should have been observed. It is admitted that the modification making the canteen vendors as Government servants was issued subsequent to the removal of the applicant but it was given retrospective effect. May be so but by that time the applicant had already been removed from the service, as such the benefit of the order giving retrospective effect is not available to him. The other contention that enquiry has not been held and he has been removed from service was not correct in as much as an enquiry was held and he has admitted his guilt to the extent that he was selling the coupons. Notwithstanding the fact from where he got the coupons, there is nothing more which remains in the enquiry. It may be that of course the applicant being a semi-literate person was given coupons by some others and he was selling them and the coupons which were sold were of Rs.6/- but yet it was a proof that he was doing some thing which was not permissible and that is why he was removed from service. But in view of the fact that it may be that some outside agency was also there and he may have also been roped in, the respondents may consider reappointing the applicant in

the said post and it is expected that if there is nothing else against him, they may take a favourable view in the matter in giving reappointment. With these observations the application is disposed of. There will be no order as to costs.


(M.Y. Priolkar)
Member (A)


(U.C. Srivastava)
Vice-Chairman