

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

(18)

Tr. Application No.19/88.

Shri V.Padmanabhan,

...Applicant

V/s.

The Union of India.

Coram: Hon'ble Member(A), Shri J.G.Rajadhyaksha),
Hon'ble Member(J), Shri M.B.Mujumdar.

Tribunal's Order:

Dated: 31.5.1988

(Per Shri M.B.Mujumdar, Member(J))

We have heard Mr.Walia the learned advocate for the applicant. Mr.R.K.Shetty the learned advocate for the respondents on the point of giving adjournment only. The applicant has filed Misc. Petition No.228/88 for deciding the case early.

2. We may point out that the charges of mis-appropriation of some amounts the applicant was compulsorily retired by an order passed on 15.10.1981. He had preferred an appeal but it was rejected on 2.8.1981. He had also preferred a revision application, but it was also rejected on 15.11.1984. The applicant filed the Writ Petition in the High Court of Judicature at Bombay in December, 1985. The writ petition was summarily rejected but the appeal preferred by him was allowed and the matter was remanded to the Single Bench. The Single Bench has transferred the writ petition to this Tribunal by an order dt. 7.4.1988.

3. Though the respondents were asked to file the written statement earlier they have not done so, so far. Mr.R.K.Shetty appears for the respondents states that he has received the papers from the department on 29.5.1988 and hence he was unable to prepare the written statement. He therefore, requests for some time to file the written statement.

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(19)

4. On the contrary, Mr. Walia submitted that in the ordinary course the applicant would have retired by the end of June, 1988. The applicant is therefore, anxious to get the case decided before that date.

5. But after hearing the advocates for both the sides, we feel that we will not be able to decide the case properly in the absence of the written statements of the respondents. In our opinion, the applicant's anxiety is unfounded, because if he succeeds, he will get all the arrears due to him according to rules. Moreover, it will be impossible for us to decide this case before the end of June, 1988.

6. We therefore, direct that the respondents shall file their reply on 15.7.1988 with a copy to the applicant's advocate. Keep the case on 15.7.1988 for written statement of the respondents and directions.

No. 288/88
Miscellaneous Petition is disposed of.

(J.G. RAJADHYAKSHA)
MEMBER (A)

(M.B. MUJIMDAR)
MEMBER (J).