

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.NO. 495/86

Shri V.S.Junawane,
Messenger (PT),
College of Military
Engineering P.O.,
Pune 411 031.

APPLICANT

v/s.

1. Colonel (Admn.),
College of Military
Engineering P.O.,
Pune 411 031.
2. Major General Commandant,
College of Military
Engineering P.O.
Pune 411 031.
3. Union of India
through
the Secretary,
Ministry of Defence,
New Delhi

RESPONDENTS

CORAM: Hon'ble Member (A) Shri P.Srinivasan
Hon'ble Member (J) Shri M.B.Mujumdar

Appearance :

Shri A.L.Kasturey
Advocate
for the Applicant

Shri J.D.Desai
for Mr.M.I.Sethna
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 28.3.1988

(PER: P.Srinivasan, Member (A))

This application has come before us for hearing today. Shri A.L.Kasturey, learned counsel appears for the applicant and Shri J.D.Desai for Shri M.I.Sethna for the respondents.

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2. In this application filed on 12.12.1986, the applicant is challenging an order dated 13.6.1980 by which the Disciplinary Authority imposed a penalty of reduction of pay from Rs.220/- to Rs.196/- as well as an order dated 15.9.1980 by which the Appellate Authority rejected his appeal and confirmed the penalty.

3. Shri Kasturey's attention was drawn to the fact that the cause of action in this case having arisen three years prior to the date of constitution of this Tribunal, the subject matter of this application may not lie within the jurisdiction of this Tribunal in view of Section 21 of the Administrative Tribunals Act, 1985. Shri Kasturey submitted that even though the applicant's appeal against imposition of penalty was dismissed on 15.9.1980, the applicant had made further appeal to the President of India on 24.12.1980 and his appeal petition was returned to him only on 24.5.1984 without any order and that therefore the cause of action should be taken as having arisen on 24.5.1984.

4. The applicant was working as a Messenger in the College of Military Engineering at Pune. The letter dated 24.5.1984 was issued to him by his Company Commander along with a copy of the order dated 27.4.1984 passed by the Vice Chief of the Army Staff. In this order dated 27.4.1984, the Vice Chief of the Army Staff stated that the appeal filed by the applicant on 22.7.1980 had been disposed of by the Appellate Authority on 15.9.1980. The applicant had submitted a further appeal to the President under Rule 24 of CCS (CC&A) Rules 1965 but no such appeal lay under that Rule. He was advised to prefer a revision petition to the President .. 3/-

P. f. s.