

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 268/89

XXXXXXXXXXXXXX

DATE OF DECISION 30.3.1994

Shri N.S.Bibikar Petitioner

Shri M.S.Karnik Advocate for the Petitioners

VERSUS

Union of India & Ors. Respondent

Shri R.K.Shetty Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.R.Kolhatkar, 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 ish to see the fair copy of the Judgement?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ?

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

M.S.Deshpande

(M.S.DESHPANDE)
VICE CHAIRMAN

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(10)

OA.NO. 268/89

Shri Nitin Suresh Bibikar ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

Shri M.S.Karnik
Advocate
for the Applicant

Shri R.K.Shetty
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 30.3.1994

(PER: M.S.Deshpande, Vice Chairman)

The applicant who was a Lower Division Clerk appointed on 1.5.1985 came to be charge-sheeted on 23.10.1987 for continuous absence. A departmental enquiry was held. An order of removal was passed on 29.3.1988 in ~~consequence~~ of the report made by the enquiry officer holding that all the charges were proved. The learned counsel for the applicant urged that the applicant's absence for certain days which was not the subject matter of the charge was also taken into consideration by the disciplinary authority for removing him from service. The present application was filed on 7.3.1989 within the period of limitation. No appeal was preferred against the order of removal passed by the disciplinary authority. All that is urged by the learned counsel for the applicant is that

he should be allowed to file an appeal now at this late stage because the applicant who was originally appeared in person was not aware of the legal position. We find that leave should be granted to file an appeal before the appellate authority. The appellate authority shall consider the appeal, if filed, within two weeks from today and dispose of the appeal after giving a personal hearing to the applicant. The respondents should not take into account the plea of limitation while entertaining the appeal in view of the time taken before the Tribunal for prosecuting this application. The application is disposed of with these directions.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)



(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.