

(03)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.202/89

Shri Chandreshekhar Madhukar Unkule,  
C/o. Pratiraksha Mazdoor Sangh,  
Quarter H/28/5, Ordnance Estate,  
Ambarnath - 421 502. .. Applicant

vs.

1. Union of India  
through  
The General Manager,  
Machine Tool Prototype Factory,  
Ambarnath.
2. Shri Manoranjan Roy,  
Foreman MA 12,  
Machine Tool Prototype Factory,  
Ambarnath. .. Respondents

Coram: Hon'ble Member (J) Shri M.B. Mujumdar  
Hon'ble Member (A) Shri M.Y. Priolkar

Appearances:

1. Mr.D.V.Gangal  
Advocate for the  
Applicant.
2. Mr.V.K.Pradhan  
(for Mr.P.M.Pradhan)  
Advocate for the  
Respondents.

ORAL JUDGMENT:  
(Per M.B. Mujumdar, Member (J))

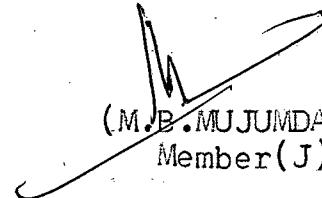
Date: 17.4.1989

Heard Mr.Gangal advocate for the applicant  
and Mr.V.K.Pradhan (for Mr.P.M.Pradhan) advocate for the  
respondents.

2. The applicant has challenged the order  
dtd. 20th February, 1989 by which he is placed under  
suspension. An appeal is provided against ~~the~~ <sup>an</sup> suspension ~~order~~  
by Rule 23(1) of the CCS(CCA)Rules. Admittedly the  
applicant has not preferred an appeal. A chargesheet  
was served on the applicant on 2.3.1989 while the appli-  
cation was filed on 7.3.1989. We accept the ~~say~~ of the  
Mr.Gangal that ~~at the~~ <sup>at the</sup> time of ~~filling~~ <sup>drafting</sup> the application  
chargesheet was not served on the applicant. That is why  
there is no reference in the application about the  
chargesheet.

3. . . . We find that the application is premature because it is filed without preferring an appeal. At this stage Mr. Gangal requested for permission to withdraw the application with liberty to file fresh application in case of necessity. We allow the applicant to withdraw the application with liberty to file a fresh application in respect of the same subject matter in case that becomes necessary.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(M.B. MUJUMDAR)  
Member(J)