

(3)

CAT/J/12

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED]  
[REDACTED]  
NEW BOMBAY BENCHO.A. No. 659/89  
TAXX No.

198

DATE OF DECISION 2.11.1989

Shri J.P.Sharma Petitioner

Shri A.V.Bukhari Advocate for the Petitioner(s)

Versus

Deputy Collector Central Excise, Bombay Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. M.B.Mujumdar, Member (J)

The Hon'ble Mr. P.S.Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(4)

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

OA.NO. 659/89

Shri J.P.Sharma,  
C/o. Ronak Fine Industries  
B-18/20, 2nd Floor,  
Ghanashyam Industrial Estate,  
Veer Desai Road, Andheri (West),  
Bombay 400 058.

.. Applicant

v/s.

Deputy Collector,  
Central Excise (P&E),  
Bombay II.

.. Respondent

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

Appearances:

Mr.A.V.Bukhari  
Advocate  
for the Applicant

Mr.P.M.Pradhan  
Advocate  
for the Respondent

ORAL JUDGMENT

Dated: 2.11.1989

(PER: M.B.Mujumdar, Member (J))

Heard Mr.A.V.Bukhari for the applicant but not for  
as much time as he wanted to <sup>be</sup> heard.

2. By order dated 3.8.1989 services of the applicant are terminated. He has preferred an appeal against that order on 16.8.1989. The appeal is not yet decided. Hence, we hold that the application is pre-mature. It is true that the word 'ordinarily' used in Section 20 of the Administrative Tribunals Act, 1985 enables this Tribunal to admit an application even though the applicant has not exhausted the departmental remedies available to him. But we do not see any special reason why we should admit this application when

the applicant's appeal is still pending before the appellate authority. We may point out that this application is filed on 17.10.1989, that is within about two months after the appeal was preferred.

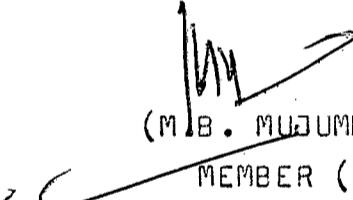
3. Hence, we reject the application summarily under Section 19 (3) of the Administrative Tribunals Act, 1985, with no order as to costs. The applicant may file a fresh application if the appeal is decided against him.

4. We may mention, at the request of Mr. Bukhari, that Mr. Bukhari wanted us to hear him further but in view of the facts and the legal position and as we have gone through the application, we have not allowed him to argue further.



(P.S. CHAUDHURI)

MEMBER (A)



(M.B. MUJUMDAR)

MEMBER (J)