

(3)

CAT/8/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~
NEW BOMBAY BENCH

O.A. No. CAT/BOM/Stamp ~~No. 891/88~~
~~TA No.~~ No. 891/88

DATE OF DECISION 28-12-1988

Laxman Dinkar Shitole & One Anr. Petitioner

Shri A.G. Abhyankar

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

-

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. M.Y. Priolkar, 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*

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(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

CAT/BOM/Stamp No.891/88

1. Laxman Dinkar Shitole,
At Sangvi Village,
New Mahadeo Temple,
At Aundh Camp Post,
Tal.Haveli,
Dist.Pune.
 2. Makbool Lalubhai Shikilkar,
Khadak Mohalla,
Raviwar Peth,
Talegaon Dabhade,
Dist. Pune - 410 506.
- .. Applicants

vs.

1. Union of India
through
The Secretary,
Ministry of Defence,
New Delhi.
 2. The D.G. of Chairman,
Ordnance Factories Board,
10-A, Auckland Road,
Calcutta - 700 001.
 3. General Manager,
Ammunition Factory,
Kirkee,
Pune - 3.
- .. Respondents

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

Hon'ble Member(A) Shri M.Y. Priolkar

Appearance:

Shri A.G. Abhyankar,
Advocate for the
applicants.

ORAL JUDGMENT

Date: 28-12-1988

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

Heard Shri A.G. Abhyankar, advocate, for
the applicants. Applicant No.1 is working as Highly
Skilled Blacksmith Gr.II and applicant No.2 is working
as Highly Skilled Blacksmith Gr.I, at Ammunition
Factory, Kirkee, Pune. For some incident which occurred
on 8-11-1985 both of them have ^{been} suspended on 9-11-1985.

(5)

The first charge against the applicant No.1 is that while functioning as Blacksmith Gr.II he was unauthorisedly found in possession of ^a large sum^s of money. Second charge is that he was carrying out illegal activities inside the factory during working hours, viz. money lending. The charge against applicant No.2 is that in conspiracy with Applicant No.1 he was carrying out unauthorised activities inside the factory during the working hours, viz. money lending. An Inquiry Officer is appointed and all the prosecution witnesses are examined before him. The enquiry is now pending for the evidence of the applicants. Mr.Abhyankar told us that the enquiry is fixed ~~for~~^{on} tomorrow. On 26-12-1988 the applicants have filed the present application under Section 19 of the Administrative Tribunals Act,1985.

2. Applicants have prayed that the enquiry proceedings be quashed because the Disciplinary Authority who initiated the proceedings has bias against the applicants. They have also prayed for quashing the suspension orders passed on 9-11-1985. They have also prayed for interim reliefs, viz. for staying the enquiry and for reviewing the orders regarding subsistence allowance and for directing the respondents to pay full pay to the applicants.


3. After hearing Mr.Abhyankar, the learned advocate for the applicants, and after considering all the relevant facts we are of the view that the present application is premature and hence liable to be rejected summarily.

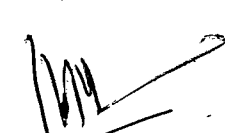
4. Section 20(1) of the Administrative Tribunals Act lays down that the Tribunal shall not ordinarily admit an application unless it is satisfied

that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. Admittedly all the prosecution witnesses are examined before the Inquiry Officer. What has remained to be done is to record the evidence of the witnesses of the applicants. In view of the evidence the Inquiry Officer will give his own findings. Thereafter the applicants will get a chance of being heard by the Disciplinary Authority. If the Disciplinary Authority holds them guilty they will get another chance to approach the Appellate Authority. The applicants can come to this Tribunal, if, the appellate authority also holds them guilty.

5. In view of this position Mr. Abhyankar submitted that the applicants have a case regarding review of the subsistence allowance. We find that the applicants had made a representation to that effect on 15-12-1988. But the respondents have rejected that representation on 23-12-1988 by pointing out that the suspension orders served on them have been regularly reviewed as per F.R.53(1) by the Disciplinary Authority and it has been found that there are no grounds either to raise or decrease the subsistence allowance or for revoking the suspension order.

6. We, therefore, find no merit in the application at present, even regarding the prayer for reviewing the subsistence allowance. We, therefore, reject this application summarily under Section 19(3) of the Administrative Tribunals Act, 1985.


(M.Y. PRIOLKAR)
Member(A)


(M.B. MUJUMDAR)
Member(J)