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CAT/J/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 661/89

198

~~TAXX No~~

DATE OF DECISION 21.2.91

Mr. Abdul Rahim Abdul Razak Petitioner

Mr. R. C. Kotiankar Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Mr. P. M. Pradhan led by V. M. Pradhan Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. M. Y. Priolkar, M(A)

The Hon'ble Mr. T. C. S. Reddy, M(J)

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 wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
NEW BOMBAY

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Original Application No.661/89

MR.ABDUL RAHIM ABDUL RAZAK DARUDWALE,  
residing at A-303,Vivek Apartments,  
Vidyanagari Road, Bombay-400098

.... Applicant

Vs.

Union of India through  
The Secretary, Ministry  
of Finance, Department  
of Revenue, Government of  
India, New Delhi-110001  
and others

.... Respondents

CORAM : Hon'ble Member Shri M.Y.Priolkar, M(A)  
Hon'ble Member Shri T.C.S.Reddy, M(J)

Appearance

Mr. R.C.Kotiankar,  
Advocate for the  
Applicant

Mr.V.M.Pradhan for  
Mr.F.M.Pradhan, Adv.  
for the Respondents

ORAL JUDGMENT

DATED : 21st FEB 1991

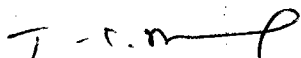
(PER : M.Y.PRIOLKAR,M(A))

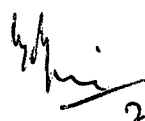
The Applicant while serving as a Superintendent of Central Excise, was prematurely retired on 14.3.1989. He had filed this application on 3.10.89 praying that this order dated 14.3.89 be declared as arbitrary, malafide and illegal and that the respondents should be directed to take back the applicant with all benefits. Subsequently to filing of the application, the applicant has been reinstated by order

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dated 18th October 1989. But according to the learned Counsel for the applicant, the applicant still has the grievance that the period between premature retirement and the reinstatement viz. from 14.3.89 to 18.10.89 has been ordered to be treated as leave of the kind due and admissible in accordance with FR (jj).

2. On 14.11.90 when this case had come up for hearing before us, the learned counsel for the applicant had submitted that in view of certain further developments, it was necessary for him to file an application for amendment and he was therefore allowed time to do so by 20.12.1990. The case came up for hearing again on 21.1.91. On that day none appeared for the applicant and the matter was adjourned to 21.2.91 i.e. today. Even today, the applicant is not present but Mr. Kotiankar, Counsel, appeared for the applicant and informs us that he has no instructions so far from the applicant and again requests for adjourning this case. We do not consider that any further adjournment is justified. No amendment application has still been filed by the applicant. Apparently, the applicant is not interested in pursuing the case. Accordingly, O.A.661/89 is dismissed for non-prosecution, with no order as to costs.

  
(T.C.S. REDDY)  
M(J)

  
21/2/91  
(M.Y. PRIOLKAR)  
M(A)