

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 40/96

DATE OF DECISION: 1/6/2000

_____ Mr. Kishore Rajaram Tayde _____ Applicant.

Shri S.P. Inamdar

----- Advocate for
Applicant.

Versus

Union of India & 2 Ors.

----- Respondents.

Shri P.M. Pradhan

----- Advocate for
Respondents.

CORAM:

Hon'ble Shri B.N. Bahadur, Member(A).
Hon'ble Shri S.L. Jain, Member(J)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.

No


(B.N. BAHADUR)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:40/96
DATED THE 1ST DAY OF JUNE,2000.

CORAM:HON'BLE SHRI B.N.BAHADUR, MEMBER(A)
HON'BLE SHRI S.L.JAIN, MEMBER(J)

Mr.Kishore Rajaram Tayde,
At & Post:Dahigaon,
Tal.Yaval Dist. Jalgaon,
Ex.Extra Departmental Branch
Post Master Dahigaon,
Tal.Yaval
Dist.Jalgaon.

... Applicant

Shri S.P.Inamdar

V/s.

Union of India through

1) Post Master General,
Aurangabad Region,
Aurangabad - 2.

2) Superintendent of Post Offices,
Bhusawal Division,
Bhusawal - 425 201.

3) Inspector of Post Offices,
Chopda Sub Division,
Chopda 425 108.

... Respondents

By Advocate Shri S.S.Karkera for
Shri P.M.Pradhan

(ORAL) (ORDER)

Per Shri B.N.Bahadur, Member(A)

This is an application made by Shri Kishore R Tayadem seeking relief from this Tribunal as follows:-

8(a) This Hon'ble Tribunal may kindly quash and set aside the orders of "PUT OFF" issued by the respondent No.3 dated 20/7/81 (A-2) with all consequential benefits.

(b) Quash and set aside the orders dated 28/7/81 (A3) issued by the Respondent No.2 with all consequential benefits.

...2.



- (c) Quash and set aside the orders dated 2/12/81 issued by the respondent No.2 with all consequential benefits.
- (d) Quash and set aside the orders initiating the discipl.proceeding issued vide respondent No.2 dated 26/10/95 and forbid the respondents to proceed against the applicant.
- (e) Any other orders that this Hon'ble Tribunal may deem fit to be necessary, granted.
- (f) Cost of this applicant be saddled on the Respondents.

2. Heard Learned Counsel Shri S.P.Inamdar, appearing on behalf of Applicant and Shri P.M.Pradhan appearing on behalf of Respondents. The facts have been brought out before us by both sides, and it transpires that much water has flown under the bridge since the order dated 28/7/81 (Annexure-2) was passed. The Applicant was found guilty of the criminal charge against him, and consequently his services were terminated. Subsequently, on his being acquitted in appeal, the department reinstated him in 1995. Subsequently, we are informed that a Disciplinary Enquiry was again started against the applicant, where also punishment has been pronounced on 18/11/99.

3. For the purpose of the present OA, Shri Inamdar fairly submits that all that he seeks now is that orders should be issued regarding treatment of the period between the date of his being "PUT OFF" i.e. 20/7/81 and his date of reinstatement on

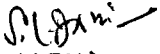
...3.

Hand

31/7/95. We find from a perusal of paragraph-8 of the OA as also the text in the body of the OA, that no such relief has been asked for. Neither have any substantial pleadings been made to this effect in the OA. It would not for this Tribunal therefore to pronounce orders on this request which is now being made verbally by the Learned Counsel for Applicant.

4. We are therefore unable to intervene in the matter and allow the reliefs claimed in the facts and circumstances before us. We must however say that we are not going into the merits of the subsequent termination in 1999, since that matter is not before us. It would be open to the applicant, if he is so advised, to seek the remedy as per law on that grievance. Similarly, we would only clarify to the extent that these orders would not come in the way of the Respondent department in taking any decision even at this stage in regard to the treatment of the period between 20/7/81 and 31/7/95. They are free to take any decision on their judgement as per rules.

5. In consequence, this application is hereby dismissed. There will be no orders as to costs.


(S.L.JAIN)
MEMBER(J)

abp


(B.N.BAHADUR)
MEMBER(A)