

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 578/99
DATE OF DECISION: 31.7.2001

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI M.P.SINGH, MEMBER (A)

Shri R.S. Talkar ... Applicant
(Applicant by Shri K.R.Jagdale, Adv.)

vs.

The General Manager,
India Govt. Mint., Mumbai. ... Respondents

(Respondents by Shri M.I. Sethna, with Shri V.D. Vadavkar
Advs.)

TRIBUNAL'S ORDER

The Applicant filed this O.A. under section 19 of the Central Administrative Tribunal Act, seeking relief praying for direction to quash and set aside the following:

(a) The order of dismissal issued by the Respondent at Exh. A to this Application dated 26th November, 1998 vide Bombay Mint Diary Order No. 123 may be quashed and set aside and the Applicant may be directed to be treated as continued under suspension.

(b) The Respondent may be directed to pay the applicant all arrears of subsistence allowance with effect from the date of suspension till 26th November, 1998 as per Rules and on the basis of Revision in the pay scale and pay the same to the Applicant.

(c) The Respondent may be further directed to pay the Applicant his subsistence allowance continuously forthwith till the final disposal of the criminal Appeal/Revision, etc. filed by him against his conviction.

(d) Respondents may be ordered to pay the costs of this application to the Applicant.

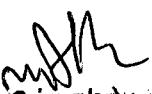
...2/

Thereafter the learned counsel for the Applicant filed M.P.No.410/2001 for amendment to be incorporated in the O.A. The Tribunal vide order dated 11.6.2001 granted permission to incorporate the amendment within one week. The learned Counsel for the Applicant did not incorporate these amendments within one week as directed by the Tribunal. However, he carried out the amendment on 29.6.2001 i.e. after a period of more than 2 weeks. We find that the amendment sought by the learned Counsel in M.P.No.410/2001 has not been incorporated strictly in accordance with the Schedule to the said MP. for which permission was granted. The learned Counsel for the Applicant has scored certain portion of the OA on which amendment was not sought and added something for which no permission was granted. Since the learned Counsel for the applicant has not carried out/incorporated the amendment as directed by the Tribunal, the O.A. is dismissed. However, the learned counsel is permitted to file a fresh O.A.

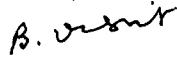
2. After the above order was dictated, learned counsel for the applicant stated that he wants to withdraw the O.A. with liberty to file a fresh O.A. As we have dictated the order, permission is granted to file a fresh O.A. Since the learned counsel for the applicant is a young lawyer who has started his practice recently, we are taking a lenient view of his conduct.

3. As regards the explanation of the Section Officer is concerned, we are not satisfied with the same. The Registrar may look into the matter and take action as deemed appropriate.

4. Let the file be placed before the Registrar.


(M.P.Singh)

Member (A)


(Birendra Dikshit)

Vice-Chairman

sj*