

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 1094/99

DATE OF DECISION: 3.1.2000

Chandhai Babubhai Tamboli Applicant.

Shri S.P.Kulkarni Advocate for  
Applicant.

Versus

Union of India and others Respondents.

Shri V.S.Masurkar Advocate for  
Respondent(s)

**CORAM**

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri D.S.Bawej, Member (A)

(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

*R.G.Vaidyanatha*  
(R.G.Vaidyanatha)  
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:1094.99

MONDAY the 3rd day of JANUARY 2000

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S.Baweja, Member (A)

Chandbhai Babubhai Tamboli  
Residing at  
Krishna Gopal Colony  
At & P.O. Bhinagar  
Ahmednagar.

...Applicant.

By Advocate Shri S.P.Kulkarni.

V/s

1. Union of India through  
Post Master General  
Pune Region  
At & Post Pune.
2. Director of Postal Services  
Pune Region  
Office of P.M.G.  
Pune Region, AT & PO Pune.
3. Senior Superintendent  
of Post Offices,  
Ahmednagar Division  
AT & PO Ahmednagar.
4. The Secretary  
Department of Posts  
(Ex-Officio)  
Dak Bhawan,  
Parliament Street  
New Delhi.
5. Member (Posts)  
Office of Director  
General (Posts).  
Dak Bhawan,  
Parliament Street  
New Delhi.

... Respondents.

By Advocate Shri V.s.Masurkar.

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ORDER (ORAL)

(Per Shri Justice R.G.Vaidyantha, Vice Chairman)

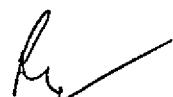
We have heard learned counsel for both sides on admission.

2. This is an application filed by the applicant challenging the order of the Disciplinary Authority and further the order of the Appellate Authority dated 23.12.1999 under which the penalty <sup>enhanced</sup> has been imposed to that of removal from service.

Now at the time of argument, Shri Masurkar, counsel for the respondents submits that he has instructions to submit to the Tribunal that the Appellate Authority has decided to withdraw the <sup>~~~</sup> impugned order dated 23.12.1999, then he will pass a fresh order according to law after issue of show cause notice to the applicant regarding enhancement of punishment.

3. In view of the submission made at the Bar on behalf of the respondents about the withdrawal of the impugned order dated 23.12.1999, there is no necessity to admit the application. In view of the statement, the appeal will be pending before the Appellate Authority. After hearing the applicant the Appellate Authority can pass appropriate order <sup>according to Law</sup>, Liberty to the applicant to approach the Tribunal if any adverse order is passed.

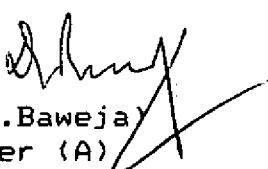
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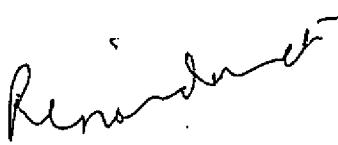
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With the above observations the application is disposed of at the admission stage. All contentions are left open. No order as to costs.

Copy of the order be furnished to both the counsel.

  
(D.S. Baweja)  
Member (A)

NS

  
(R.G. Vaidyanatha)  
Vice Chairman