

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 423/2000

DATE OF DECISION: 22/06/2001

Shri D.S.Narkhede

Applicant

Shri G.S.Walia

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondents.

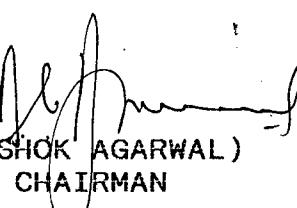
Shri V.S.Masurkar

Advocate for
Respondents.

Coram:

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Smt. Shanta Shastry, Member(A).

1. To be referred to the Reporter or not? No
2. Whether it needs to be circulated to N.
other Benches of the Tribunal?
3. Library. N.


(ASHOK AGARWAL)
CHAIRMAN

abb

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:423/2000
DATED THE 22ND DAY OF JUNE, 2001

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

D.S.Narkhede
Ex-Member Secretary,
Railway Service Commission,
Bombay. ... Applicant

By Advocate Shri G.S.Walia

V/s.

1. Union of India, through
the Secretary,
Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi.
2. The Chairman,
Railway Recruitment Board,
Mumbai ... Respondents

By Advocate Shri V.S.Masurkar

(ORAL)(ORDER)

Per Shri Justice Ashok Agarwal, Chairman

were

After Disciplinary proceedings conducted against the applicant, a penalty of forfeiture of entire pensionary benefits including Gratuity has been imposed by an order passed on 14/3/89. Aforesaid order is challenged by the applicant by filing the present OA belatedly on 23/2/2000. Though he has submitted MP-608/2000, we do not find that cogent grounds have been assigned for granting of the relief claimed. In the circumstances, we find that the present OA is hopelessly barred by limitation.

2. Shri Walia, the learned counsel appearing on behalf of the applicant has however contended that a prosecution which has

...2.



:2:

been lodged against the applicant on the very same charges, which are made basis of the aforesaid order of penalty is pending and no decision thereon has so far been given. In our view, in case the aforesaid prosecution ends in his honourable acquittal and if it is open to him to seek review of the aforesaid order of penalty in law, he may be at liberty to do the same.

3. The present OA in the circumstances is dismissed however with no orders as to costs.

Shanta Shastray
(SHANTA SHAstry)

MEMBER(A)

Ashok Agarwal
(ASHOK AGARWAL)
CHAIRMAN

abb