

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 169/2000

DATE OF DECISION: 27.3.2000

Shri J.L. Pai

Applicant.

Shri S.S. Karkera

Advocate for

Applicant.

Versus

Union of India and others

Respondents.

Advocate for

Respondents

CORAM

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

Hon'ble Shri B.N.Bahadur, 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.

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

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI,

ORIGINAL APPLICATION NO: 169/2000

MONDAY the 27th day of MARCH 2000

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

Hon'ble Shri B.N.Bahadru, Member (A)

Jayant Laxman Pai
Residing at
B- 208, Ajit Park Co-op.
Housing Society,
Somwar Bazar Road,
Malad (West) Mumbai.

...Applicant

By Advocate Shri S.S.Karkera.

V/s

1. The Union of India through
The Chief Commissioner,
O/o Central Excise
Commissionerate Mumbai -I
New Central Excise Building
Opp. Churchgate Station,
Mumbai.
 2. The Commissioner
O/o Commissioner of Central
Excise, Mumbai -II, 9th Floor,
Piramal Chambers, Lalbaug,
Parel, Mumbai.
 3. The Joint Commissioner (P&V)
Central Excise, Mumbai II
9th Floor, Piramal Chambers
Lalbaug, Parel, Mumbai.
- ...Respondents.

ORDER (ORAL)

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

This application has been filed under Section 19 of the
Administrative Tribunals Act, 1985 for a direction to the
respondents to dispose of applicant's representation. We have
heard counsel for the applicant regarding admission.

2. The applicant came to be suspended by order dated
18.11.1993 (Exhibit A). The suspension was revoked by order dated
25.10.1994. Subsequently the Competent Authority has issued a

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:2:

show cause notice dated 25.7.1997 calling upon the applicant to show cause as to why period of suspension should not be treated as non-duty/break in service except for the purpose of pension. The applicant has sent detailed representation dated 22.9.1997 to the said show cause notice. The applicant's grievance is that though more than two years have elapsed, no order has been issued by the Competant Authority.

3. In our view there is no necessity to admit the OA and the OA can be disposed of at the admission stage, with a direction to the respondent No.3, The Joint Commissioner (P&V), Central Excise Mumbai - II, 9th floor, Piramal Chambers, Lalbaug, Parel, Mumbai. to dispose of applicant's representation within a particular time bound programme.

4. Accordingly the OA is disposed of at the admission stage with a direction to respondent No.3 to pass final order on the show cause notice dated 25.7.1997 after considering the representation/ reply to the show cause notice dated 22.9.1997 as per rules within a period of three months from the date of receipt of copy of this order. All contentions on merits are left open.

Copy of the order be communicated to respondent No.3.

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

NS

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