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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 617/90

~~XXXXXX~~

198

DATE OF DECISION 7.1.1991

Shyamsaroj Tarkeshwar Mishra Petitioner

Shri C.S.Kaptan Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri S.V. ~~Nxxx~~ Gole Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. D.Surya, Rao, Member (J)

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? } Yes
4. Whether it needs to be circulated to other Benches of the Tribunal ? }



(P.S. Chaudhuri)
M(A)

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT NAGPUR
* * * *

Original Application No.617/90

Shyamsaroj Tarkeshwar Mishra,
Care Taker, Office of Director
Accounts (Postal), Nagpur

... Applicant

V/s

1. Post Master General,
Maharashtra Circle, Nagpur.

2. Director of Accounts
(Postal), Nagpur.

3. Union of India, through
Deptt of Communication,
New Delhi.

... Respondents

CORAM: Hon'ble Member (J), Shri D.Surya Rao.
Hon'ble Member (A), Shri P.S.Chaudhuri.

Appearances:

Shri C.S.Kaptan for
Mr.N.N.Mothghare, Advocate
for the applicant and
Shri S.V.Gole for Mr.S.V.
Natu, Advocate, for the
respondents.

ORAL JUDGEMENT:

Dated: 7.1.1991.

¶Per. P.S.Chaudhuri, Member (A)¶

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 27.8.1990. In it the applicant who was working as Care Taker in the office of the second respondent is challenging the order dated 15.5.1989 passed by the second respondent by which the penalty of dismissal from service has been imposed on him, the appellate order dated 30.8.89 passed by the first respondent and the enquiry report as a result of which the above mentioned two orders were passed.

2. We have perused the application and the reply thereto as also heard Mr. C.S.Kaptan holding


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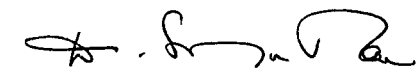
(4)

the brief of Mr. N.N.Mothghare, learned counsel for the applicant and Mr. S.V.Gole, holding the brief of Mr. S.V.Natu, learned counsel for the respondents.

3. Mr. Kaptan submitted that the applicant had submitted a review petition dated 14.10.89 to the Member (Personnel), Postal Services Board, New Delhi. It is not disputed that this petition is yet to be decided. Mr. Kaptan further submitted that at this stage he would be satisfied with a direction to the respondents to pass final orders on this review petition with liberty to file a fresh application if the applicant continue to remain aggrieved after the review petition is decided finally.

4. In view of this position, this application is disposed of with a direction to the respondents to finalise the applicant's review petition dated 14.10.89 by 31.3.1991. If the applicant remains aggrieved after the review petition is decided finally, he is at liberty to approach the Tribunal afresh. In the circumstances of the case there will be no order as to costs.


(P.S. Chaudhuri)
Member(A)


(D. Surya Rao)
Member(J)