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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 590/90

XXXXXX

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DATE OF DECISION 15.1.1991

Shri B.B.Dhamane

Petitioner

Shri C.B.Kale

Advocate for the Petitioner(s)

Versus

The Director of Postal Service (HQ) Respondents
Bombay & anr.

Shri P.M.Pradhan

Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. J.P.Sharma, Member (J)

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

Yes

No

P.S. Chaudhuri
(P.S. CHAUDHURI)
M(A)

(S)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH, NEW BOMBAY

OA NO. 590/90

Shri B.B.Dhamane

... Applicant

v/s

The Director of Postal Service
(HQ), Bombay & Anr.

... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri
Hon'ble Member (J) Shri J.P.Sharma

Appearances

Mr.C.B.Kale
Advocate
for the Applicant

Mr.P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 15.1.1991

(PER: P.S.Chaudhuri, Member (A))

This application under Section 19 of the Administrative Tribunal Act, 1985 was filed on 1.8.1990. In it the applicant who is Savings Development Officer, Ahmednagar is challenging the disciplinary proceedings which were initiated against him as far back as 9.8.1984. We have heard Mr.C.B.Kale, learned counsel for the applicant and Mr.P.M.Pradhan, learned counsel for the respondents.

2. It is not disputed that the applicant was issued with a chargesheet on 9.8.1984. By order dated 22.7.1986 this charge-sheet was cancelled without prejudice to any further action. A fresh charge-sheet was issued on 26.5.1988. We were informed across the bar that subsequent to the filing of the present application, even the second charge-sheet was dropped by order dated 19.10.1990 without prejudice to further action. Further, a 3rd charge-sheet was issued to the applicant on 22.10.1990 and this charge-sheet resulted

) in a penalty of 'Censure' imposed by the Director of Postal Services, Aurangabad on 6.11.1990. It is the case of the applicant that he has submitted a statutory appeal against this penalty on 29.11.1990. It is his grievance that this appeal is still not decided and that his promotion has been withheld and that the 'sealed cover' pertaining to his result in the DPC proceedings has yet to be opened even though the charge-sheet because of which the 'sealed cover' procedure had been resorted to had been dropped in the intervening period.

3. After going through the record and hearing the learned counsel for both sides, we are satisfied that the applicant is in a position to make the various submissions that he is now making before us before the appellate authority who will doubtless give these contentions the most auxious consideration. In this view of the matter, the application is pre-mature. Having said this, we are aware that the applicant had submitted his appeal when this application was still pending and that he might now like to amend it to incorporate all the various contentions and grounds that he could have raised before us and that he apprehends that the respondents will fail to give due consideration to his appeal on the plea of limitation. He submits that the respondents have power to condone the delay which power they may choose not to exercise. We are, therefore, inclined to give a suitable direction to the respondents in this regard.

4. Against this background, we dispose of this application at the admission stage itself with a direction to the applicant to submit, if he so desires, by 8.3.1991 a supplementary appeal incorporating all the contentions and

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grounds and prayers that he wishes to make. The respondents are directed to consider such an appeal, if made by 8.3.1991, irrespective of limitation along with the earlier appeal dated 29.11.1990 within a period of 45 days from the date of receipt of the said supplementary appeal. If the applicant continues to remain aggrieved after these appeals are decided, he is at liberty to approach this Tribunal afresh. In the circumstances of the case, there will be no order as to costs.


(J.P.SHARMA)

MEMBER (J)


(P.S.CHAUDHURI)

MEMBER (A)