

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 851/90
XXXXX No.

198

DATE OF DECISION 30.4.1991

Smt. Sunanda R. Darekar Petitioner

Shri B. L. Chhajed Advocate for the Petitioner(s)

Versus

Chief Secretary, Min. of Communication and Telecom, New Delhi. Respondent

Mr. V. M. Bhandre, holding a brief of Mr. P. M. Pradhan. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. S. CHAUDHURI, MEMBER (A)

The Hon'ble Mr. T. C. S. REDDY, MEMBER (J)

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 ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY

ORIGINAL APPLICATION NO. 851/90

SMT. SUNANDA R. DAREKAR
Asstt. in the Account Office
pay and claim section Pune
Telecom District Shivajinagar,
Vir Savarkar Road, Pune-411005

.... Applicant

Vs.

Union of India
Represented by Chief Secretary
to the Ministry of Communication
and Telecom Sanchar Bhavan,
New Delhi-110001

.... Respondents.

CORAM : HON'BLE SHRI P.S.CHAUDHURI, Member (A)

HON'BLE SHRI T.C.S.REDDY, Member (J)

Appearance:

Shri B.L.Chhajed, Adv,
for the applicant

Shri V.M.Bendre, adv,
holding a brief of Mr.P.M.
Pradhan, Adv. for the
Respondents.

ORAL JUDGMENT

(PER : P.S.CHAUDHURI, M(A)

DATED : 30.4.1991

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 6.12.1990. In it, the applicant who is working as Asstt. in the Accounts Office of the 2nd Respondent ~~is~~ prays that she be acquitted all of the charges levelled against her and the chargesheet dated 6.6.1988 be set aside.

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2. When this case called for admission hearing today, the applicant's husband appears and prays for either admission or adjournment on the ground of non availability of the applicant's advocate. Mr.V.M.Bendre, holding the brief of Mr.P.M.Pradhan, learned counsel appears for the respondents.

3. After going through the record and hearing Mr.Bendre we are satisfied that this is not a fit case for adjournment or admission and that we can dispose of it finally today with a suitable direction to the respondents as the order which we propose passing will not cause any prejudice to either party.

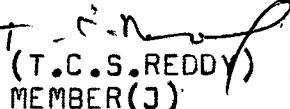
4. In the impugned chargesheet dated 6.6.1988, four articles of charges were levied against the applicant to which she replied on 14.6.1988 denying the charges. By order dated 29.6.1988 the charges were held to be proved and the minor penalty of stoppage of increment was imposed on her. On 10.8.1988 she submitted an appeal against this penalty. By order dated 24.1.1989 the appeal was rejected. On 18.9.1989 she submitted a petition to the Member (Administration), Telecommunication Service Board, New Delhi. By letter dated 12.12.1989 she was informed that this petition had been withheld. By letter dated 18.12.1989 she represented against this withholding of her petition and, not receiving any reply, sent a reminder on 14.3.1990. Still not receiving any reply, she filed the present application.

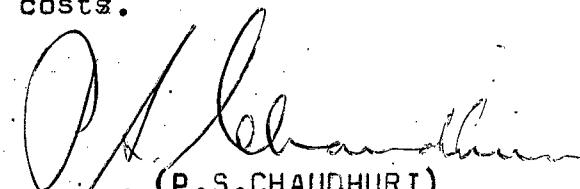
(6)

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5. The short point which arises in this case is whether we are required to take cognisance of the fact that there is a pending review petition. We are satisfied that on the analogy of Section 20 of the Administrative Tribunals Act, 1985 we may take cognizance of such a petition. Considering the facts and circumstances of this case, we propose doing so and issuing a suitable direction to the respondents.

6. We, accordingly, summarily dispose of this application at ^{the} admission stage with a direction to the respondents to consider the applicant's representations dated 18.12.1989 and 14.3.1990 and pass a reasoned, speaking order thereon, if not already done. If the applicant continues to remain aggrieved after final orders are passed in the matter, she is at liberty to approach the Tribunal afresh. In the circumstances of the case there will be no order as to costs.


(T.C.S.REDDY)
MEMBER(J)


(P.S.CHAUDHURI)
MEMBER(A)