

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.800/91

Mr.J.F.Borkar,
r/o.Chandramani Nagar,
Kamptee Road,
Nagpur.

.. Applicant

-versus-

1. Director General,
Ordnance Factory,
1-A, Auckland Road,
Calcutta.

2. General Manager,
Ordnance Factory,
Ambazari,
Nagpur.

.. Respondents

Coram: Hon'ble Ms.Usha Savara, Member(A)

Hon'ble Mr.V.D.Deshmukh, Member(J)

Appearances:

1. Mr.M.M.Sudame
Advocate for the
Applicant.
2. Mr.Ramesh Darda
for the Respon-
dents.

ORAL JUDGMENT:

Date: 13-4-1993

{Per V.D.Deshmukh, Member(J)}

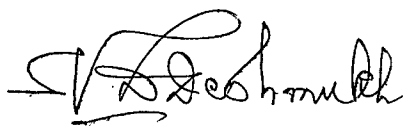
The applicant filed the present application challenging the order dt.13-11-90 issued by the disciplinary authority imposing the penalty of removal from service.

2. The applicant stated in his application that the appeal filed by him against the impugned order was pending. However, the respondents in their reply expressly stated that the appeal was decided on 18-9-91 and the decision was communicated to the applicant under letter dt. 15-10-1991. It is thus obvious that the appeal was already decided and the applicant had also received the copy of the appellate order before

6

this application was filed on 28-11-91. It is thus obvious that the applicant did not disclose the correct fact^S in his application. However, out of indulgence, and on application by the learned advocate for the applicant this application is allowed to be withdrawn with liberty to the applicant to file a fresh application challenging the order passed by the disciplinary authority and the appellate authority. The applicant shall also have the liberty to explain the above circumstances. The respondents shall be entitled to raise the question of limitation as and when fresh application is filed.

3. The application is disposed of as withdrawn with liberty as above. No order as to costs.



(V.D. DESHMUKH)
Member(J)


(USHA SAVARA) 13.4.92
Member(A)