

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW~~ BOMBAY BENCH

O.A. No. 1058/92.
T.A. No. ----

198

DATE OF DECISION 2-11-1992

Ashok Narayanrao Bhopalkar Petitioner

Mr.V.K.Pradhan Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Mr.R.K.Shetty Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble ~~Ms.~~ Ms.Usha Savara, Member(A)

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 ?

N O

MD

(S.K.DHAON)

(3)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.1058/92

Ashok Narayanrao Bhopalkar,
Dani Building,
Near Akashdeep,
22-C, Rest Camp Road,
In front of Banat Chawl,
Deolali Camp, Deolali. .. Applicant

-versus-

1. Union of India
through
The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Chief Engineer,
Military Engineer Service,
Dakshin Mukhyalaya Engineer Shakha,
Head Quarters, Southern Commands,
Pune - 411 011.
3. The Engineer-in-Chief,
Military Engineer Service,
Army Head Quarters,
Kashmir House, Rajaji Marg,
DHQ PO
New Delhi - 110 011. .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

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

Appearances:

1. Mr.V.K.Pradhan
Advocate for the
Applicant.
2. Mr.R.K.Shetty
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 2-11-1992
(Per S.K.Dhaon, Vice-Chairman)

The order dt. 20-12-1991 passed
by the Chief Engineer dismissing the applicant
from service is being impugned in the present
application.

2. It is averred in paragraph 6
of the application that on 10-2-1992, the applicant
preferred an appeal to respondent No.3 viz. The
Engineer-in-Chief and the same is pending. The
explanation offered for bypassing the statutory

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alternate remedy is that, since the period of six months had elapsed between the date of filing of the appeal and filing of this application, the applicant is entitled to come to the Tribunal straightaway.

3. We are satisfied that this is not a fit case for interference at this stage since the appeal is pending. We, however, direct the respondent No.3, viz. The Engineer-in-Chief, to dispose of the appeal of the applicant by a speaking order within a period of three months from the date of presentation of a certified copy of this order by the applicant before it. The applicant is permitted to transmit a certified copy of this order to respondent No.3 under RP A/D.

4. Shri R.K.Shetty has put in appearance on behalf of the respondents and he has been heard in opposition to this application. With these observations the application is dismissed summarily.

U. Savara
(USHA SAVARA) 8.11.92
Member(A)

S.K.Dhao
(S.K.DHAON)
Vice-Chairman

MD