



CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1122/92

~~Transfer Application No:~~

DATE OF DECISION 6.12.1993

Shri Ajay Kumar Singh Petitioner

Shri D.V.Gangal Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri V.S.Masurkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.R.Kolhatkar, 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 ?

M.R. Kolhatkar
(M.R.KOLHATKAR)
MEMBER (A)

M.S. Deshpande
(M.S.DESHPANDE)
VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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OA.NO. 1122/92

Shri Ajay Kumar Singh

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

Shri D.V.Gangal
Advocate
for the Applicant

Shri V.S.Masurkar
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 6.12.1993

(PER: M.S.Deshpande, Vice Chairman)

We have heard the learned counsels. It appears that without filing an appeal against the order passed by the disciplinary authority in the year 1988, the applicant filed an application for review addressed to the Chief of Naval Staff, Naval Headquarters, New Delhi on December 7, 1991. The subject shows that it was a review application under Rule 29 of CCS(CCA) Rules, 1965. Shri Masurkar for the respondents states that the applicant has approached the reviewing authority without availing of the right of appeal, but we see no impediment in the applicant's doing so because review application would lie to the President under any circumstances. The point urged is that the review application is unreasonably delayed. Since no limitation has been prescribed for making an application for review, the question of delay would not really be material, ^{as} ~~that~~ it would be for the President to decide whether he should entertain an application for review if he regards ~~that~~ the application ^{as having} ~~has~~

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not been made within reasonable time. That, however, a matter entirely for the President to decide and we express no opinion whether the application should be entertained by the President but if he does not entertain the application, an order to that effect shall be passed, subject to the right of the applicant to apply under Rule 31 for condonation of delay. If he chooses to entertain the application, it would be for the President to consider the merits of the case and make any order which may appear to him to be appropriate. Another submission of Shri Masurkar is that the application is not addressed to the President as such but to the Chief of Naval Staff but that would not be material in the circumstances of this case.

2. In the result, we direct the President to decide the review application dated 7.12.1991 within six months from the date of receipt of a copy of this order. With these directions the OA. is disposed of.

(M.R.KOLHATKAR)
MEMBER (A)

(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.