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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BEACH

Original Application No: 1137/92

Transfer Application No:  
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

DATE OF DECISION 15.2.1993

Shri Dulal Day ----- Petitioner

Shri V.M.Bendre ----- Advocate for the Petitioners

Versus

Union of India & Ors. ----- Respondent


Shri R.K.Shetty ----- Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~Shri~~ 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 ?
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(S.K.Dhaon)  
Vice Chairman

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 1137/92

Shri Dulal Dey

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon  
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri V.M.Bendre  
Advocate  
for the Applicant

Shri R.K.Shetty  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 15.2.1993


(PER: S.K.Dhaon, Vice Chairman)

Disciplinary proceedings under Rule 16 of CCS(CCA) Rules, 1965 were initiated against the applicant. On 16.10.1990 the punishing authority passed an order that two increments of the applicant in the Time Scale of pay of Rs.775-12-871-EB-14-1025 with cumulative effect shall be stopped. Feeling aggrieved he preferred an appeal which, it appears, was disposed of by the appellate authority by its order dated 27.2.1991. That order has not been produced before us even though the original record has been shown to us. However, it appears from the perusal of the Annexures - 10, 11, 12 to the application that the appellate authority directed that a de novo enquiry should be held. It is implicit in the order of the appellate authority that the order of the punishing authority stood quashed. We, therefore, direct the respondents to treat the applicant on the footing that no order of punishment had been passed against him. It necessary follows that the applicant will be entitled to the consequential benefits. The fresh enquiry, if initiated, shall

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be conducted in accordance with law.

2. With these directions this application is disposed of finally but without any orders as to costs.

  
(MS. USHA SAVARA)  
MEMBER (A)

  
(S.K. DHARON)  
VICE CHAIRMAN

mrj.