

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1308/92

Transfer Application No: ---

DATE OF DECISION 29-1-1993

Harcharan Singh

Petitioner

Mr.G.K.Masand

Advocate for the Petitioners

Versus

Union of India and another

Respondent

Mr.A.I.Bhatkar

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~S.K.Dhaon~~ 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 ?

40

S.K.
(S.K.DHAON)

NS/ MD

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.1308/92

Harcharan Singh,
8/154, Sector VII,
C.G.S.Colony,
Antop Hill,
Bombay - 400 037.

.. Applicant

-versus-

1. Union of India
through
Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.

2. Shri B.K.Bakshi,
Collector of Customs,
Customs House,
Ballard Estate,
Bombay - 400 038.

.. Respondents

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

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

Appearances:

1. Mr.G.K.Masand
Advocate for the
Applicant.

2. Mr.A.I.Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 29-1-1992
(Per S.K.Dhaon, Vice-Chairman)

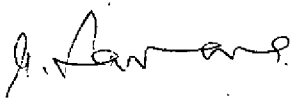
The order dt. 7-12-1992 passed by the Collector of Customs removing the applicant from service is being impugned in the present application.

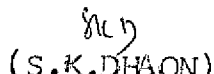
2. Indisputably the applicant had a right to make an appeal to the President within the period of 45 days of receipt of the order. He has not done so. He has chosen to come to this Tribunal straightway as he felt that it was a fit case where, inspite of Section 20 of the Administrative Tribunals Act, this application will be entertained by us.

3. We have heard the learned counsel in support of this application and we are of the opinion that no case has been made out for bypassing the statutory alternate remedy given to the applicant. We, therefore, do not ~~think~~ consider it a fit case to interfere at this stage.

4. The period for filing the appeal by the applicant may be over or likely to be over shortly. In the interest of justice, we direct that if the applicant prefers an appeal to the President of India within a period of two weeks from today, the same shall be entertained on the footing that it has been filed within time. Since the applicant has been thrown out of employment, we have no doubt that the President will find time to dispose of the appeal as expeditiously as possible.

5. With this direction this application is dismissed summarily.


(USHA SAVARA)
M(A)


(S.K. DHAON)
VC

MD