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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: 94/97 IN O.A. No. 973/92.

Dated this 18<sup>th</sup>, the Tuesday day of September, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).  
HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Shri Madhu Sadalapurkar ... Applicant

Versus

Secretary,  
Ministry Of Defence & Anr. ... Respondents.

TRIBUNAL'S ORDER BY CIRCULATION :

{ PER.: SHRI B.S. HEGDE, MEMBER (J) }

The applicant has filed this application seeking review of the judgement dated 11.06.1997. Infact, the application was filed by the Counsel himself, and only after it was pointed out to the Counsel by the registry that the verification is not properly filed, he filed a verification signed by the applicant, which has been authenticated by the Counsel, Mr. Prabhakaran.

2. It may be re-called that the applicant had earlier filed the O.A. No. 549/87, which has been disposed by the Tribunal vide order dated 31.03.1992 stating that since the application is defective and the facts have not been properly mentioned nor the grounds are clear, he was given liberty to file fresh application and the

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question of limitation will not come in the way of the applicant if the same is filed within six weeks. With the above observations, the O.A. was disposed of. Thereafter, the applicant filed the present O.A. No. 973/92 on 08.09.1992.

3. The O.A. was admitted on 30.10.1992. On many occasions, none appeared on behalf of the applicant, though Mr. C.N. Nair's name appeared against the applicant. The matter ultimately came up for hearing on 11.06.1997. On that occasion also, the Counsel for the applicant was not present. Accordingly, on the basis of the submission made by the Counsel for the respondents, the Tribunal passed the following order :

"Shri Masurkar has drawn our attention that the applicant has not annexed any impugned order. The applicant was removed from service after proper enquiry on 09.11.1983. Thereafter, he has filed O.A. No. 549/87, which was disposed of by the Tribunal on 31.03.1992. Against which the applicant has filed this O.A. No. 973/92. Therefore, in our view, there is no merit in the O.A. Accordingly, O.A. is dismissed. M.P. No. 520/95 stands disposed of."

On perusal of the documents, we find that the applicant has annexed the Statement of finding by the disciplinary Authority as well as the order of punishment of removal

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of removal from service vide dated 29.11.1983.

Since the statement made by the Counsel for the respondents does not seem to be correct, the order dated 11.06.1997 passed by the Tribunal, is not to be given effect to.

4. The O.A. is restored to file. Issue notice to the parties for further hearing on 19.12.1997  
The Review Petition is allowed.

*M.R. Kolhatkar*

(M.R. KOLHATKAR)

MEMBER (A).

*B. S. Hegde*

(B. S. HEGDE)

MEMBER (J).

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