

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(4)

O.A. NO: 136/92 199  
TxAxNQk

DATE OF DECISION 24.8.92

Shri Hari Parashram Bhalerao Petitioner

Shri S.Naterajan, Advocate for the Petitioners

Versus

Union of India and others. Respondent

Shri V.M.Bendre. Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. M.Y.Priolkar, 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 ?

*S.K.DHAON*  
VICE CHAIRMAN

mbm\*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(S)

Original Application No. 136/92

Shri Hari Parashram Bhalerao

... Applicant.

V/s.

Union of India through  
Director General  
Ordnance Factory  
10-A, Ackland Road  
Calcutta - 700 001

General Manager  
Ordnance Factory  
Varangaon  
Bhusaval  
Jalgaon.

.... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman  
Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri S.Natarajan, counsel for  
the applicant.

Shri V.M.Bendre for Mr. P.M.  
Pradhan for the respondents.

ORAL JUDGEMENT

Dated: 24.8.92

( Per Shri S.K. Dhaon, Vice Chairman )

This Tribunal on 10.11.87 quashed the order  
✓ of removing the applicant from service on the ground  
that a copy of Enquiry Officer's report was not furnished  
to him by the punishing authority before passing the  
punishment order. This Tribunal left it free to the  
punishing authority to re-initiate the disciplinary  
proceedings from the stage of handing over of a report  
of the Enquiry Officer. It appears that proceedings have  
been re-initiated and also an order purporting to have  
been passed in the exercise of powers under sub Rule 4  
of Rule 10 of the CCA Rules, suspending the applicant  
from service ~~has~~ been passed. The order of suspension  
is being impugned in the present application.

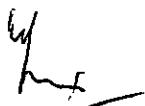
S)

....2...

(6)

A reply have been filed. Counsel for the parties have been heard. Though this application has not formally been admitted as yet, we are disposing of the same finally. It now appears to be an admitted position that the applicant's service had not been suspended during the course of the earlier disciplinary proceedings and, in fact, no order of suspension was in existence when the order of removing him from service had been passed. In view of this factual position, the authority concerned had no jurisdiction to pass the order of deemed suspension under Sub-Rule 4 of Rule 10, of the CCA Rules.

This application succeeds and allowed. The order dated 27.12.90 is quashed. There shall be no order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(S.K. DHAON)  
VICE CHAIRMAN

NS/

  
S.K. DHAON  
Sup. Comt.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Review Petition No.6/93  
in  
O.A.136/92

1. Union of India  
through  
The Director General,  
Ordnance Factory,  
10-A, Auckland Road,  
Calcutta - 700 001.

2. General Manager,  
Ordnance Factory,  
Varangaon,  
Taluka Bhusaval,  
Dist.Jalgaon.

.. Petitioner  
(Original Respondents)

-versus-

Hari Parsharam Bhalerao,  
At & Post Bhalod,  
Taluka Yaval,  
Dist.Jalgaon

.. Respondent  
(Original Applicant)

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

Hon'ble Shri M.Y.Priolkar,  
Member(A).

TRIBUNAL'S ORDER BY CIRCULATION: Date: 3-2-93  
(Per S.K.Dhaon, Vice-Chairman)

The Union of India and Others have  
filed this review petition with the prayer that  
the judgment and order dt. 24.8.1992 passed by  
us be set aside.

2. This application has been preferred  
on account of the decision of the Supreme Court  
in Nelson Motis's case(1992(2)SCALE Page 410).  
This judgment was delivered by the Supreme  
Court after 24-8-1992.

3. On 28-1-1993 we disposed of a  
number of review petitions filed in OA Nos.  
427/92 to 447/92. In those applications too  
contained the prayer that we should review  
our judgment/order on account of the said