

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 136/92

199

ExAxxNQk

DATE OF DECISION 24.8.92

Shri Hari Parashram Bhalerao Petitioner

Shri S.Natarajan, 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 ?
- N^t

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(S.K. DHAON)
VICE CHAIRMAN

mbm*

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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 }

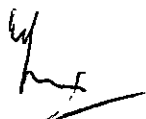
This Tribunal on 10.11.87 quashed the order
✓ of removing the applicant from service on the ground
that a copy of Enquiry Officer's report was not furnished
to him by the punishing authority before passing the
punishment order. This Tribunal left it free to the
punishing authority to re-initiate the 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^e been passed. The order of suspension
is being impugned in the present application.


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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/

*Stayed by
Sup. Court*

(7)

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:
(Per S.K.Dhaon, Vice-Chairman)

Date: 3-2-93

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