

(3)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 246/92

199

T.A. NO:

DATE OF DECISION 9-6-92

Shri V.C.Narasimhulu, Petitioner
Bombay

Shri A.I.Bhatkar Advocate for the Petitioners

Versus

Union of India Respondent

Shri R.K.Shetty 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 ?

ND

8th
(S.K.Dhaon)
Vice-Chairman

mbm*

(4)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

Original Application No. 246/92

Shri V.C. Narasimha Rao
Bombay

...

Applicant

vs

Union of India through
Engineer-in-Chief
Engineering Branch
New Delhi

...

Respondent

Coram: Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman
Hon'ble Mr. M.Y.Priolkar, Member (A)

Appearances:

Mr. A.I. Bhatkar
for the applicant

Mr. R.K. Shetty for the
respondent.

Dated 9-6-92

Judgement (Oral)

(per: Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman)

Disciplinary proceedings were initiated against the applicant way back in the year 1982. The disciplinary authority on 24-9-1989 awarded the punishment of withholding of 3 increments with cumulative effect. The applicant appealed against the order to the appellate authority and on 25-9-1989 the appeal was dismissed. The applicant approached the Andhra Pradesh High Court, by means of a Writ Petition. That High Court transferred the said Writ Petition to the Hyderabad Bench of C.A.T. The said Tribunal by its order dated 19.1.1989 dismissed the aforesaid application. The tribunal had also directed that the appeal be decided afresh on merits of the case. By appellate order dated 10th February, 1992 the appellate authority has dismissed the appeal of the applicant. Hence this application.

Shri R.K.Shetty, who appeared for the respondent, was given six weeks time to file a written statement. That has not been done so far. We are not inclined to grant him further time. The contention of the applicant is that the Respondents, in their written statement filed in the O.A. 502/89, have clearly admitted that after deputation to EPIL the applicants services were loaned to MES department under the control of the Engineer-in-Chief, Army Headquarters, the Head of the Department of MES during the period of deputation. The respondent had not given any opportunity to the applicant and imposed an enhanced punishment. The objection taken is that the appellate authority has observed that the absence of the applicant from 26-2-1981 to 19-12-1985 shall be treated as dies-non. Shri Shetty submitted that this is no punishment. We therefore made it clear that the punishment awarded to the applicant by the disciplinary authority last shall be treated to be the real punishment. The observations made by the appellate authority regarding dies-non shall not be enforced against the petitioner. With these observations this petition is disposed of.

(M.Y.Priolkar)
(M.Y.Priolkar)
Member(A)

(S.K.Dhaon)
(S.K.Dhaon)
Vice-Chairman