

(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 372/92

199

T.A. NO: ---

DATE OF DECISION 3-9-1992

Anil Kumar Keer

Petitioner

Mr.Y.R.Singh

Advocate for the Petitioners

Versus
Union of India and another

Respondent

Mr.M.I.Sethna

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 ?

No

(S.K.DHAON)
VC

mbm*

MD

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.372/92

Anil Krishna Keer,
Pavansuit 2/202,
Salasar Park,
Nallasopara(E),
Tal.Vasai,
Dist. Thane.

.. Applicant

vs.

1. Union of India
Director General,
All India Radio,
New Delhi.

2. Station Director,
All India Radio,
Bombay - 400 020.

.. Respondents

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

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

Appearances:

1. Mr.Y.R.Singh
Advocate for the
Applicant.
2. Mr.M.I.Sethna
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 3-9-1992
(Per S.K.Dhaon, Vice-Chairman)

The order dated 26th March,1992
passed by the Station Director, All India
Radio removing the applicant from the
services is being impugned in the present
application.

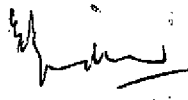
2. Admittedly the applicant had
a statutory right of appeal against the
impugned order and admittedly he has not
exercised that right. The main question is
to be decided in this application is whether
the applicant was offered any reasonable
opportunity of defending himself before the
impugned order was passed.This is basically
a question of fact which can be better examined

by the Appellate Authority. Altogether we do not consider it as a fit case ^{for} to interfere at this stage.

3. Mr. M. I. Sethna, counsel for the respondents, has very fairly stated that if the applicant prefers an appeal within a specified time the department shall not raise the plea of limitation even though the period prescribed for filing an appeal is 45 days from the date of passing of the impugned order.

4. If the applicant prefers an appeal within a period of two weeks from today, the Appellate Authority shall entertain the same and ~~xx~~ treat the same as having been filed within time, thereafter it shall dispose of the same on merits and in accordance with law as expeditiously as possible, but not beyond a period of six months from the date of receipt of the same.

5. With these directions the application is disposed of finally but with no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(S.K. DHARON)
Vice-Chairman

MD