

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, "GULESTAN" BUILDING No.6  
PREScot ROAD; BOMBAY-1

O.A. Nos.427 to 447 of 1992

1.	Shri A V Waingankar	Applicant in OA 427/92
2.	Shri P G Mhatre	Applicant in OA 428/92
3.	Shri P S Pawaskar	Applicant in OA 429/92
4.	Shri A D Tawde	Applicant in OA 430/92
5.	Shri V B Nagare	Applicant in OA 431/92
6.	Shri A R Pingale	Applicant in OA 432/92
7.	Shri A H Kale	Applicant in OA 433/92
8.	Shri V G Kadam	Applicant in OA 434/92
9.	Shri P S Bhogale	Applicant in OA 435/92
10	Shri R K Singh	Applicant in OA 436/92
11	Shri N B Khobrekar	Applicant in OA 437/92
12	Shri P M Thapania	Applicant in OA 438/92
13	Shri V B Hadawale	Applicant in OA 439/92
14	Shri L G Dhanawade	Applicant in OA 440/92
15	Shri K. Bodanna	Applicant in OA 441/92
16	Shri B V Bhosle	Applicant in OA 442/92
17	Shri J P Mane	Applicant in OA 443/92
18	Shri G G Sonawane	Applicant in OA 444/92
19	Shri L R Topare	Applicant in OA 445/92
20	Shri K G Pokharkar	Applicant in OA 446/92
21	Shri S V Kulkarni	Applicant in OA 447/92

v/s.

1. Union of India through  
Cheif of Naval Staff  
Naval Head Quarters,  
South Block, New Delhi

2. Brig Officer Commanding  
in Chief, Western Naval  
Command, Fort, Bombay-23.

3. Admiral Superintendent  
Naval Dockyard  
Bombay-23.

Respondents in all the  
above 21 OAs.

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

APPEARANCE:

Mr. D V Gangal, Counsel for applicants.

Mr. V S Masurkar, Counsel for respondents.

ORAL JUDGMENT:

(PER: S K Dhaon, Vice Chairman)

DATED: 17-06-1992

Disciplinary proceedings were initiated against the applicants. They were punished. They came to this Tribunal. This Tribunal took a view that the inquiry proceedings were vitiated as the Inquiry Report of the Inquiry Officer was not furnished to the applicant. This Tribunal, however, left it free to the department to continue with the inquiry from the stage of furnishing of the report of the Inquiry Officer.

An order has been passed on 19.11.91 by the respondents purporting to suspend the petitioners from service in exercise of powers of sub-rule 4 of Rule 10 of CCS (CCA) Rules, 1965 (hereinafter referred as the Rules). This order is being challenged in the present application.

Undisputedly, the applicants had not been placed under suspension at any stage during the course of disciplinary proceedings. A combined reading of sub-rules 3 and 4 of Rule 10 of the Rules indicate that the ~~situation~~ <sup>underfalt</sup> evocation created in sub-rule 4 can come into existence only if a delinquent had been placed under suspension ~~during the course~~, either before or during course, of disciplinary proceedings. That not being the position in the present cases the order of suspension is not sustainable.

Written statement has been filed on behalf of the respondents and we have heard the counsel for the respondents.

We are not inclined to go into other grievances raised in this application. We, however, make it clear that it <sup>will be</sup> is open for the applicants to raise the other

grievance, if possible under law, as and when a final order is passed by the disciplinary authority against the applicants.

The application succeeds and is allowed. The impugned order of suspension dated ~~6.3.1992~~ <sup>18.11.91</sup> is quashed.

*Arif Khan*  
(M.Y. PRIOLKAR)  
Counsel for the applicants  
M(A)

*Sy*  
(S.K. DHAON)  
V.C.

12.10.92

Mr. D V Gangal, Counsel for the applicant.  
Mr. V S Masurkar, Counsel for the respondents.  
M.P. No. 807/92 is for correcting certain typographical errors.

M.P. allowed. Necessary corrections implemented in our order dated 17.6.92

*Arif Khan*  
(M.Y. PRIOLKAR)  
M(A)

*Sy*  
(S.K. DHAON)  
V.C.

17/6/92  
Order/Judgement despatched  
to Appellants respondent(s)  
on 27.92

R.P.No 163/92

O.A.No. 436/92

Date:  
19-10-1992

*[Signature]*  
17/7/92

Judgement dttd: 17.6.92  
was served on applicant  
Ad: N.I.

*[Signature]*  
17/10/92

M.P.No. 807/92 for  
correcting clerical  
mistake, fixed on  
12-10-92,

D.P.W.  
28/9

Mr.V.S. Masurkar for Review

Petitioner(Original respondent)

Mr.D.V.Gangal Review respondent  
(Original applicant)

Let notice be issued to the  
original applicant under RP

A.D.

Adjourned to 21-12-1992

*[Signature]*  
(M.Y.PRIOLKAR) (S.K.DHAON)  
M(A) VC

R.P. 163/92 for  
order by ~~circumstances~~  
circulation

*[Signature]*  
15/10

Original order in O.A. 427/92.

Notice is issued +  
applicant on 23/10/92

OA Nos. 427, 428, 429, 430, 431, 432, 433, 434, 435,  
436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446,  
447, 747, 750, 751, 777, 775, 776, 813 and 762 of 1992.

*[Signature]*  
Tribunal's order

Dated : 21.12.92

Notice dt. 23/10/92.  
Served on Applnt./Resp.  
on Ad: N.I.

Mr.V.S. Masurkar for the Review  
Petitioners (Original Respondents) and  
Mr.D.V. Gangal for the Review Respondents  
(Original Applicants).

*[Signature]*  
18/11/1992  
All these Review Petitions are to be  
heard by the same Bench which had heard the  
Original Applications, namely, Hon'ble V.C. and  
Administrative Member Mr.Priolkar. It may be  
placed before the same Bench on 4.1.1993.

A copy of this order be kept in all  
the above mentioned cases.

Sd/-  
(V.D. Deshmukh)  
Member (J)

Sd/-  
(M.Y. Priolkar)  
Member (A).

*[Signature]*  
18/12/1992  
Recd reply to R.P 163/92  
from applicant on 17/12/1992

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V/s.

1. Union of India through  
Chief of Naval Staff  
Naval Head Quarters;  
South Block, New Delhi
2. Flag Officer Commanding  
in Chief, Western Naval  
Command, Fort, Bombay-23
3. Admiral Superintendent  
Naval Dockyard  
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APPEARANCE:

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Mr. V S Masurkar, Counsel for respondents.

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(PER: S K Dhaon, Vice Chairman)

DATED: 17-06-1992

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