

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 512/92

199

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DATE OF DECISION 17.9.1992

Ramkrishna T. Radke Petitioner

Shri A.S. Jainwal Advocate for the Petitioners

Versus

Government of India & 2 Others. Respondent

Shri Ramesh Darda 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

By
(VICE CHAIRMAN)

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(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, CAMP AT NAGPUR.

O A 512/92.

Ramkrishna E. Redke.

.. Applicant.

Vs.

Government of India & 2 Others.

.. Respondents.

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

Appearances:

Shri A.S. Jaiswal, Counsel
for the applicant.

Shri Ramesh Darda, Counsel
for the Respondents.

ORAL JUDGMENT :

Date: 17.9.1992.

¶ Per : Hon'ble Shri S.K. Dhaon, Vice Chairman ¶

The applicant had been convicted in a criminal
trial by Competent Court^{and} on that account his services were
done away with. The order whereby he has been dismissed
from service is being impugned in the present application.

2. A reply has been filed on behalf of respondents.

Shri R. Darda learned Counsel for the respondents and

✓ Shri Jaiswal learned Counsel for the applicant has been
heard.

3. The only ground urged is that, since the applicant
has preferred an appeal before the High Court against the
✓ order of the trial Court, convicting the order of dismissal
should not have been passed. Under the relevant Rules the
authority concerned had the jurisdiction to pass such an
order even during the pendency of the appeal. It is well
settled that the mere filing ^{of} with the appeal does not put
✓ under suspension the order^{if} appeal against the order is
✓ only putⁱⁿ jeopardy, even and when the appeal is allowed. It
will be open to the applicant to approach the authority
concerned for his reinstatement if the conviction is set aside
in appeal.

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4. The application is dismissed summarily.
5. There shall be no order as to costs.

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(M.Y. PRIOLKAR)
MEMBER (A).

S.K.
(S.K. DHAON)
VICE CHAIRMAN.

ham/-.