

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO: 644/92
TR.A.NO.

199

DATE OF DECISION 27.4.1994

Shri S.K.Bhargava

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? M¹
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? M²

MEMBER

(M.S.DESHPANDE)
VICE CHAIRMAN

mbm:

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA NO. 644/92

Shri Swadesh Kumar Bhargava
v/s.

... Applicant

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Applicant in person

Shri R.P.Darda
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 27.4.1994

(PER: M.S.Deshpande, Vice Chairman)

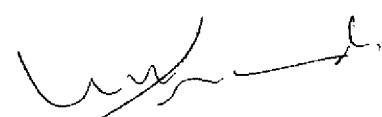
By this application the applicant claims an amount of Rs.1473/- for a tour from Nagpur to Bombay and back between 16.2.1989 to 18.2.1989.

2. The applicant's contention is that the respondent No. 3 was hostile to him because the applicant had been selected in June, 1991 to the post of Chief Controller of Explosives and the Respondent No. 3 was not selected. It is urged that the applicant was required to go to Bombay in connection with a CBI enquiry against one Ingle in question. The CBI officer had visited Nagpur and after his return he gave a telephone call asking the applicant to come over to Bombay in connection with the enquiry. The applicant submitted a bill but that was rejected by the order dated 17.10.1989 of Respondent No. 2 as, according to him, the tour programme was not approved. The representation made by the applicant to the superior authority was turned down on 23.8.1991 on the ground that prior approval had not been obtained in respect of tour undertaken nor the superiors were informed regarding this tour.

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2. In the face of the official stand that the tour of the applicant was not approved, I questioned the applicant, who appeared in person, as to the manner in which he was required to come over to Bombay and he stated that he received a telephone call from Bombay. The applicant fairly admits that he did not mention this telephone call in the O.A. nor does such a stand appear to have been taken before the authority. It is clear that the applicant had not obtained the permission of any superiors before undertaking the tour to Bombay and the immediate response of the Respondent No. 3 was that his approval was not obtained as was the practice. The applicant submits that it was not necessary for the senior officers to have the tour programme approved in advance and since this was the practice, no prior approval was taken. Though this may have been the practice, since the stand of the respondents was that no tour programme was approved, some collateral material had to be produced to show that he had received a telephone call to come over to Bombay. No such material was produced before me and it is therefore difficult to say that the stand taken by the respondents is arbitrary.

3. In the result, there is no merit in the application. The application is dismissed.



(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, BOMBAY 1

R.P.No.79/94 in OA NO. 644/92

Swadesh Kumar Bhargava ..Applicant

v/s

Union of India & ors. ..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

TRIBUNAL'S ORDER: **DATED: 25.7.1994**
(Per: M S Deshpande, Vice Chairman)

This Review Application is directed against the judgment delivered in OA no. 644/92 on 27.4.1994. With regard to the grounds raised in the application all that ~~we~~ need ^{be said} to say is that all the relevant material was taken into consideration and the averments in the pleadings were present in my mind when I delivered the judgment. There is no ground for reviewing the judgment. The review application is dismissed.


(M.S.Deshpande)
Vice Chairman