

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 645/92

199

~~XXX~~ NO ~~XXX~~

DATE OF DECISION 9-11-1992

S L Shiygan

Petitioner

Mr. D V Gangal

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. V S Masurkar

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble ~~Ms.~~ Usha Savara, 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

SV
V.C.

mbm*

TRK

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PREScot ROAD; BOMBAY-400001

OA No. 645/92

Shri S L Shivgan
Ex. Labourer
T. No. 61307-B; C.No.56
R/o. B.D.D. Chawl, No. 101
R.No.24; Worli, Bombay-18 ..Applicant

V/s.

1. The Union of India
through Secretary,
Ministry of Defence,
Wouth Block; New Delhi-11
2. The Chief of Naval Staff
Naval Head Quarters
Wouth Block
New Delhi 11
3. The Flag Officer Commanding-
in-Chief, Western Naval Command
Bombay23
4. The Admiral Superintendant
Naval Dockyard
Bombay 400023 ..Respondents

Coram : Hon. Shri Justice S K Dhaon, V.C.
Hon. Ms. Usha Savara, Member (A)

APPEARANCE:

Mr. D V Gangal
Counsel
for the applicant

Mr. V S Masurkar
Counsel
for the respondents

ORAL JUDGMENT:
(PER: S K Dhaon, Vice Chairman)

DATED: 9-10-1992

The order dated 27.1.1984 passed by the
Rear Admiral terminating the service of the applicant
is being impugned in the present application.

2. It is an admitted position that the
applicant became fully inactive on or after 27.6.1984.
He woke up for the first time in October 1991 when he
made an application purported to be under Rule 29
of CCS (CCA) Rules 1965 to the Chief of Naval Staff,
Naval Headquarters, New Delhi.

3. In this application the prayer is the order dated 27.1.1984 may be quashed. However, at the Bar, the only submission made is that we may issue a writ in the nature of mandamus directing the Chief of Naval Staff to dispose of the application under Rule 29 of the rules made by the applicant in October 1991, on merits and in accordance with law.

4. We may note that no such specific prayer has been made in this application. However, without entering into the technicalities we are entertained this prayer and giving our decision thereon.

5. Having given a thoughtful consideration to the matter, we are of the opinion that this is not a fit case for exercise of our jurisdiction under Article 226 of the Constitution, as the applicant is guilty of gross laches. We are accordingly rejecting this application.

6. We have heard Shri Masurkar in opposing this application.

There shall be no order as to costs.

Usha Savarkar
(Ms. Usha Savarkar)
Member (A)

S K Dhaon
(S K Dhaon)
Vice Chairman