IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ③
BOMBAY BENCH

O.A. NO: 813/92   199

T.A. NO: ____

DATE OF DECISION 28-8-1992

B.G.Pande   Petitioner

Mr.Y.R.Singh
_____   Advocate for the Petitioners

Versus
Union of India and 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 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. Whethertheir 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*
VD

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.813/92

B.G.Pande,
C/o.Leela Export
Garments House,
Brahmadeshwar Mandir Marg,
Indira Sahakar Nagar,
Opp.Gala Nagar,
Nehru Road, Mulund(W),
Bombay - 400 080.   .. Applicant

-versus-

Union of India
through
The Admiral Superintendent,
Office of the Admiral
Superintendent,
Naval Dockyard,
Bombay - 400 023.   .. Respondent

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.V.S.Masurkar
   Counsel for the
   Respondent

ORAL JUDGMENT: Date: 28-8-1992
(Per S.K.Dhaon, Vice-Chairman)

          It is stated that surname of the

applicant had been inadvertently shown as

"Pande" instead of "Panda". Explanation

offered is that a typographical error crept in.

We have examined the impugned order as well as

the statement of the applicant recorded before

the Inquiry Officer. We have also seen that

earlier the applicant has approached this

Tribunal by means of O.A.156/89 which was

disposed of on 3rd September,1991. In all

the above mentioned doucments he was

described as "Panda". We,therefore, direct

that in the certified copy, which shall be

issued in these proceedings hereafter, the applicant

shall be described as B.G.PANDA.

2.　　　　On 8th June,1992 the Vice Admiral passed an order purporting to be under Sub-Rule(4) of Rule 10 of CGS(CCA) Rules,1965 of deemed suspension. In the application it has been specifically averred that during the earlier disciplinary proceedings wherein an order of punishment was passed the applicant was, at no stage, placed under suspension.

3.　　　　On 17th August,1992 Mr.Masurkar learned counsel for the respondents prayed for one week's time to file a reply. No reply has been filed. We are not inclined to grant any further time as we feel that the assertion of the applicant that earlier he had not been suspended from service appears to be correct.

4.　　　　If before passing of the order of punishment, the applicant's services were not suspended, Sub-Rule (4) of Rule 10 was not available to the authority concerned. The impugned order of suspension therefore is not sustainable and is accordingly quashed. There shall be no order as to costs.

(M.Y.PRIOLKAR)
Member(A)

(S.K.DHAON)
Vice-Chairman

MD

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH, BOMBAY.

Review Application No.183/92
in
Original Application No.813/92.

Shri B.G.Pande.   ... Applicant.

    V/s.

Union of India.& Ors.   Respondent.

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

Appearances:-

Mr.V.S.Masurkar for the respondents.

Tribunal's Order:-

[Per Shri S.K.Dhaon, Vice-Chairman]   Dated: 22.2.1993.

      The controversy in this review application
is squarely the same as in the bunch of review applications
which we disposed of by our order dt. 28.1.1993. We
dismissed those applications after taking the view that
since the orders passed in those cases were prior to the
Judgment of the Supreme Court in Nelson Motis Vs. UNion
of India & Ors. (1992(2) SCALE P.410) no error apparent
in the face of record existed in our orders. For reasons
given in the said order we dismiss this application.

(M.Y.PRIOLKAR)   (S.K.DHAON)
MEMBER (A)   VICE - CHAIRMAN.

BSM