

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1280/93

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 22.7.1994

~~A. R. Lawate~~ Petitioner

Mr. B. L. Nag Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. Ravi R. Shetty Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M. S. Deshpande, V.C.

The Hon'ble Shri V. Ramakrishnan, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? No
2. To be referred to the Reporter or not ? No
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


V.C.

NS/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 400001

O.A. NO. 1280/93

Shri A.R. Lawate

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, Vice Chairman
Hon. Shri V. Ramakrishnan, Member(A)

Appearance:

Mr. B.L. Nag
Counsel for the applicant

Mr. Ravi R. Shetty
Counsel for the respondents


ORAL JUDGMENT:
(Per.: M.S. Deshpande, Vice Chairman)

DATED: 29.7.94

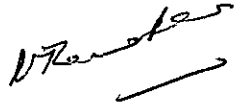
Reply filed by the respondents.
Counsel heard. An identical matter was heard by a Division Bench of this Tribunal sitting at Bangalore, to which one of us [Hon. Shri V. Ramakrishnan, Member(A)] was a party. We do not think that we can depart from the approach which was taken by the Division Bench in O.A. No. 604/1994 decided in April 1993. We accordingly pass the following order:

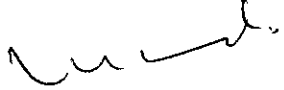
ORDER

We direct the respondents to decide the applicant's case in accordance with the decision of the Supreme Court to be rendered in SLP No.160208/90, now pending therein. The SLP has arisen out of the judgments of the CAT in such matters. We have been informed that the Supreme Court has stayed the operation of the judgment delivered by the Ernakulam Bench of the Tribunal in such cases. Under the circumstances, we notice the futility of relying on the judgment of the Ernakulam Bench and regard being



had to the circumstances that the matter itself is pending before the Supreme Court in all its facets, we direct the disposal of this application for the present making it clear that depending on the outcome of the SLP supra now pending before the Supreme Court, the Department should itself take steps to regulate the rights of the Applicant in consequence and in pursuance of the Supreme Court's decision in SLP no.160208/90. With these observations, this application stands disposed of. No order as to costs.


(V. Ramakrishnan)
Member(A)


(M.S. Deshpande)
Vice Chairman