

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 210/93 & 211/93

Transfer Application No: --

DATE OF DECISION 13-12-93

1. A.R.Pingle

..Applicant in O.A.210/93

2. K.G.Pokharkar

..Applicant in O.A.211/93

----- Petitioner

Mr.D.V.Gangal

----- Advocate for the Petitioners

Versus

U.O.I. & Ors.

----- Respondent

Me.V.S.Masurkar

----- Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman

The Hon'ble Shri M.R.Kolhatkar, Member(A)

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
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*

  
(M.S.DESHPANDE)  
VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.210/93 and O.A.211/93

1. A.R.Pingle,  
C/o.R.M.Waghmare,  
501/108, Ashirwad Bldg.No.2  
N.M.Joshi Marg, Bakari Adda,  
Bombay - 400 011.

.. Applicant in  
O.A.210/93

2. K.G.Pokharkar,  
R.No.7,  
Saraswati Sadan,  
Opp.School No.3,  
Bhatwadi, Ghatkopar(W),  
Bombay - 400 086.

.. Applicant in  
O.A.211/93

-versus-

1. Union of India  
through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 011.
2. The Chief of Naval Staff  
Naval Head Quarters,  
South Block, New Delhi.
3. The Flag Officer Commanding  
in-Chief, Western Naval Command,  
Fort, Bombay - 400 023.
4. The Admiral Superintendent  
Naval Dockyard,  
Bombay - 400 023.

.. Respondents in  
both the above  
O.As

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

Hon'ble Shri M.R.Kolhatkar, Member(A)

Appearances:

1. Mr.D.V.Gangal  
Advocate for the  
Applicant.
2. Mr.V.S.Masurkar  
Counsel for the  
Respondents.

ORAL JUDGMENT:  
¶Per M.S.Deshpande, V.C.¶

Date: 13-12-1993

It is apparent that by an order passed by this Tribunal earlier a copy of the enquiry officer's report was furnished to the applicant. Thereafter a showcause notice was issued and that was challenged by way of review to the President.

While it was pending the applicant was removed from service by the disciplinary authority vide order dt. 7-10-92. No action has been taken by the applicant against that order of removal since the present O.A. is pending.

2. It is apparent that the applicant had the remedy of filing an appeal against the second order of removal. But that has not been availed of since the present O.A. is pending. That may be a good reason for pursuing with the appeal even after the period of limitation which was prescribed. Considering the peculiar circumstances of the case we direct that the appellate authority, if an appeal is filed within three weeks from today, to hear the appeal on merits by waiving limitation and dispose of the appeal according to law. With this direction the O.As are disposed of.

*M.R. Kolhatkar*

(M.R. Kolhatkar)  
M(A)

*M.S. Deshpande*

(M.S. Deshpande)  
V.C.

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