

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(A)

(M.S.Deshpande)
V.C.

M