

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 397/93

Transfer Application No: -----

DATE OF DECISION 27-8-93

Jagannath Nathu Shewale

Petitioner

Mrs.K.U.Nagarkatti

Advocate for the Petitioners

Versus

The Secretary, P&T Dept. New Delhi

Respondent

Mr.M.S.Karnik

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~Shri~~ 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 ?

(M.S.DESHPANDE)
VC

M

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.397/93

Jagannath Nathu Shewale,
r/o. Anand Niwas,
Zopadpatti,
Mundhwa, Pune - 411 036.

.. Applicant

-versus-

1. The Secretary,
Posts & Telegraphs Dept.
Govt. of India,
New Delhi - 110 011.

2. Sr.Superintendent of Post Offices,
Pune City West Divn.,
Lokmanyagar,
Pune - 411 030.

3. Asstt.Superintendent of
Post Offices,
Town Sub.Offices No.I
Pune City
West Divn. Pune - 411 001.

.. Respondents

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

Hon'ble Ms.Usha Savara, Member(A)

Appearances:

1. Mrs.K.U.Nagarkatti
Ad-vocate for the
Applicant.

2. Mr.M.S.Karnik
Advocate for the
Respondents.


ORAL JUDGMENT: Date: 27-8-1993
Per M.S.Deshpande, Vice-Chairman


The applicant has been removed from service after an enquiry into the charge of continuous unauthorised absence. The pleas of the applicant is that the applicant was of unsound mind.

2. It appears that the applicant had joined service in 1966 and has rendered about 24 years of service prior to order of removal in 1990. In the circumstances since it is for the appropriate authority to consider what type of punishment should be imposed for the lapses and considering that the applicant was of unsound mind we set aside the appellate order and direct

the appellate authority to give a fresh hearing only in the matter of quantum of punishment and dispose of the appeal in accordance with law. The hearing be given and appeal be disposed of within two months from the date of receipt of a copy of this order.

3. O.A.stands disposed of accordingly.


(USHA SAVARA)
M(A)


(M.S.DESHPANDE)
VC

M

~~Am 9529A 397193~~ ~~W H 494~~

By virtue of the powers vested in me in para 1(4) of the CAT Notification No.13/14/91-JA dtd.18/2/1992. I constitute a Bench consisting of the Hon'ble Vice Chairman, Shri M.S.Deshpande and Shri M.R.Kolhatkar, M(A) for deciding the Review Application no.

2.The said Bench will take up the matter for consideration on 4/3/94.

Notice be issued to parties.

(M.S.DESHPANDE)
VICE CHAIRMAN 212

Notice issued to Applicant & Respondent on 8/2/92
27.9/2/92

Per Tribunal Date: 4/3/94
Applicant in person / by Mrs. K.U. Nagarath
Advocate / Respondent by Mr. Karthar
Council for work of Bench
The matter adjourned to 26/3/94
for order on RA 9/94

Dy. Registrar

Letter issued to applicant on 23/4/94

27/4

RP. Notices served on applicant & Respondent No 1 at 14/4/94 & at 15/4/94.

Per Tribunal Date: 21/3/94
Applicant in person / by K. U. Nagarath
Advocate / Respondent by S. S. Karthar
Council. By Con Seq
The matter adjourned to 4/4/94
for final hear
Dy. Registrar

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

R.P. No.9/94 in
Original Application No.397/93.

Shri J.N.Shewale. Applicant.

V/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Smt.K.Nagarkatti.
Respondents by Shri P.M.Pradhan.

Oral Judgment:-

[Per Shri M.S.Deshpande, Vice-Chairman] Dt. 4.4.1994.

Heard counsel for the parties. The Review Petition is allowed as the learned counsel agree on the point that there is no appellate authority which can decide the matter in terms of our order dated 27.8.1993. By consent we modify that order by ^{deleting} substituting the words "appellate authority" and that instead of "appellate authority" the order should be read as "disciplinary authority". The hearing shall be given by the Disciplinary Authority before deciding upon the quantum of punishment and the Disciplinary Authority shall consider all the points raised in Annexure - 5 i.e. the appeal dt. 31.8.1987.

2. The Review Application is disposed of in the above terms.



(M.R.KOLHATKAR)
MEMBER (A)



(M.S.DESHPANDE)
VICE-CHAIRMAN

B.