

(3)

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?~~ ✓ M
2. To be referred to the Reporter or not ?
3. ~~Whether their Lordships ish 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

NS/

(9)

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.,
Lokmanyanagar,
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-vo^cate 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 ~~plea~~ 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 ~~an~~ 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.

U. Savara
(USHA SAVARA)

M(A)

M.S. Deshpande
(M.S. DESHPANDE)
VC

M

Angsuy 397193

— JW HUGH

6

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
topic out of
posse! 8/3/92
on 8/21/97
Sgt. 9/2/97

Letter issued to
applicant on 23/7/94

2
257

R.P. Notices Searched
on appearance & Regd No 1
At 14/12/94 P. DA. N.Y / regd.

Per Tribunal

Date: 4/3/94

Applicant in ~~present~~ by Mrs K. U. Nagarkatti
Advocate / ~~sup. ad. by~~ by Mr. Karthick
Council for ~~word~~ of bench
The matter adjourned, 26/3/94
for orders on RA 9/94

卷之三

✓ Dy. Registrat^{ur}

044
94

Per Tribunal

Date _____

21394

Applicant in person / by K. U. Nagarkatti
Advocate / Respondent by ~~S S Kerkar~~
Council. ~~Dr C. M. Seet~~
The matter adjourned to 4/4/1949
for ~~Final Hear~~

Dy. Registry

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 ~~deleting~~ by 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

(M.R.KOLHATKAR)
MEMBER(A)

M.S.Deshpande
(M.S.DESHPANDE)
VICE-CHAIRMAN

B.