

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 483/93

Transfer Application No:

DATE OF DECISION 21.5.1993

Shri P.T.John Petitioner

Shri M.A.Mahalle Advocate for the Petitioners

Versus

Respondent

-----Union of India & Ors-----

Shri V.S.Masurkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri V.D.Deshmukh, Member(J).

The Hon'ble Shri

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 ?

Ans,


(V.D.DESHMUKH)
MEMBER(J).

NS/

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY.

Original Application No. 483/93.

Shri P.T. John. Applicant.

V/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri V.D.Deshmukh, Member(J).

Appearances:

Applicant by Shri M.A.Mahalle.
Respondents by Shri V.S.Masurkar.

Oral Judgment:-

{Per Shri V.D.Deshmukh, Member(J)} Dated: 21.5.1993

Heard Shri M.A.Mahalle for the applicant and Shri V.S.Masurkar for the respondents. The applicant who is serving as Highly Skilled Grade I Electrician in the Naval Dockyard has filed the present application. It is not necessary to refer to the facts in detail. This application has been filed after the removal from service order was passed against the applicant on 13.8.1992 and the allotment of residential quarters which was allotted to the applicant was cancelled on 19.3.1993. When the applicant filed the present application, he had already filed an appeal against the order of removal. The appeal was filed on 8.4.1993. It is not disputed that the appeal is statutorily provided, however, obviously the appeal was filed after the expiry of the period of limitation.

2. The applicant was given a personal hearing as regards the cancellation of the allotment of the residential quarters and the eviction order was passed on 28.4.1993. The applicant has filed the present ~~application~~ ^{application for} appeal against the said order seeking a relief that he should not be dispossessed from the residential quarters.

3. Shri Masurkar appearing for the respondents has rightly pointed out that the appeal is *prima facie* barred by limitation. However, as the appeal has already been filed and the punishment against which appeal has been filed is removal from service it would be in the interest of justice that the appeal be heard on merits. In any case, the applicant is entitled to protection as regards ~~to~~ his residential quarters till the appeal is disposed of. Hence the application is admitted and is disposed of with the following directions.

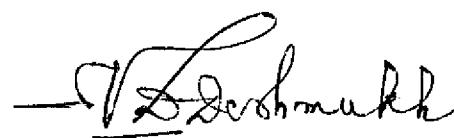
4. The Respondent No.1 is directed to decide the appeal filed by the applicant after hearing the applicant within three months from to day. The Respondent No.1 shall decide the appeal by a speaking order.

5. The Respondents are directed not to evict the applicant from the quarters which are in his occupation at present till the disposal of appeal and for a further period of two months from the date on which the appellate order is communicated to the applicant.

6. The applicant shall pay the regular fee for his occupation of the quarters per month till the disposal of the appeal and the licence fee ~~for~~ ^{as} as per the rules, thereafter.

7. If the applicant has any grievance after the disposal of the appeal or as regards the licence fee payable by him, he shall be at liberty to take the appropriate proceedings.

8. No order as to costs. A copy of this order shall be furnished to both the parties as early as possible.


(V.D. DESHMUKH)
MEMBER (J)