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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

OA NO. 686/93

R J Sable

Applicant

V/s.

Union of India & Ors.

Respondents

Coram: Hon. Shri Justice M S Deshpande, V.C.

Hon. Shri M Y Priolkar, Member(A)

Appearance:

Mr. G K Masand

Counsel for applicant

Mr. Karkare for Mr. P.M. Pradhan

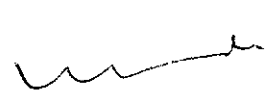
Counsel for respondents

ORAL JUDGMENT:

DATED: 26.11.1993

(Per: M S Deshpande, Vice Chairman)

The short point which arises in this case is whether, when an appeal had not been filed because the applicant had apprehended that the Appellate Authority was biased but preferred a revision under rule 29 of CCS rules, it is competent for the Appellate Authority to suo moto ~~cease~~ ^{seize} the proceedings and pass the order at the appellate stage, imposing the major penalty of compulsory retirement. Mr. Masand informs us that the revision application is still pending.



(9)

All that we need ~~to~~ direct in these circumstances is that the order imposing the penalty of compulsory retirement dated 30.4.93 shall stand stayed till the revisional authority, who is in any case ~~ceased~~ ^{seized} with the revision, passes the final orders.

With these directions the application is disposed of finally with liberty to the applicant to approach the Tribunal after the revision order is passed. No order as to costs.



(M Y Priolkar)
Member(A)



(M.S. Deshpande)
Vice Chairman

CP No. 21/94
For order on
21/2/94.
Reply Secured on behalf
of Respondents.
Df.

(5)

21/2/94

C.P.21/94 in
O.A.686/93.

Heard Shri G.K. Masand, Counsel
for the applicant and Shri S.S.
Karkera, Counsel for the Respondents

Prima facie there is no
contempt as the order imposing the
penalty of compulsory retirement was
stayed till the revisional authority
passes the final orders, and there
was no directions to reinstate the
applicant in respect of consequential
order.

We see that there is no wilful
disobedience in the present case.
We only direct that the revision
application of the applicant shall
be decided ^{within 2 months} from today.


(M.R. KOLHATKAR)
MEMBER (A).

(M.S. DESHPANDE)
VICE CHAIRMAN.

dt. 21.2.94
Order/Judgement despatched
to Applicant, Respondent (s)
on 3/3/94

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9/13