CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 848/93

Transfer Application No: --

DATE OF DECISION 22-11-93

V.G.Kadam ---------- Petitioner

Mr.D.V.Gangal ---------- Advocate for the Petitioners

Versus

Union of India & Ors.

---------- Respondent

Mr.V.S.Masurkar

---------- Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri M.Y.Priolkar, Member(A)

1. ~~Whether Reporters of local papers may be allowed to see the Judgement~~ ?
2. To be referred to the Reporter or not ? NO
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 ? NO

(M.S.DESHPANDE)
VC

NS/ M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.848/93

V.G.Kadam,
4/B,Divechi Chawl,
R.No.4,Zawbawadi,
Thakurdwar,
Bombay - 400 002. .. Applicant

-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. TheFlag Officer Commanding
in-Chief, Western Naval Command,
Fort, Bombay - 400 023.

4. The Admiral Superintendent,
Naval Dockyard,
Bombay - 400 023. .. Respondents

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

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.D.V.Gangal
Advocate for the
Applicant.

2. Mr.V.S.Masurkar
Counsel for the
respondents.

ORAL JUDGMENT: Date: 22-11-93
(Per M.S.Deshpande, V.C.)

Heard Mr.D.V.Gangal for the applicant and Mr.V.S.Masurkar for the respondents. Reply not filed.

2. The present applicant belongs to a group of 15 persons who had challenged their removal in O.A.724/89 decided on 14-8-91 and the Tribunal after quashing the removal order directed fresh enquiry should be held according to law. Thereafter a fresh enquiry was held. During the pendency of that enquiry

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applicant made a representation to the President seeking his intervention regarding certain aspects of the trial. That representation remained undecided and in the meanwhile the disciplinary authority passed a final order directing removal of the applicant. A fresh representation lies to the President against this fresh order of removal.

3. Shri D.V.Gangal states that in another group of cases we had taken a view that the President should take decision on identical facts of the case. We do not think that it could act as precedent of the case. We find that the contention which had taken earlier in the representation made during the enquiry can be raised again in the fresh representation which may be made against the order of removal on the fresh enquiry.

4. In view of this application is dismissed. Liberty to the applicant to exhaust departmental remedies.

(M.Y.PRIOLKAR)
Member(A)

(M.S.DESHPANDE)
Vice-Chairman

M