

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI,  
CAMP AT NAGPUR.

ORIGINAL APPLICATION NO. 878/ 1993.

Coram: Hon'ble Shri B.S.Hegde, Member(J),  
Hon'ble Shri M.R.Kolhatkar, Member(A).

Friday, the 22nd day of March, 1996.

Bhojraj Urkuda Paik. ... Applicant.  
(By Advocate Shri V.K.Gulhane)

V/s.

Union of India & Ors. ... Respondents.  
(By Advocate Shri R.S.Sundaram)

O R D E R

{Per Shri B.S.Hegde, Member(J)}

Heard Shri V.K.Gulhane, counsel for the  
applicant and Shri R.S.Sundaram, counsel for the  
Respondents.

2. The applicant has filed this application  
challenging the disciplinary order dt. 11.12.1992  
and the Appellate Order dt. 11.2.1993. He has been  
involved in a Criminal case and the Criminal Court  
by its decision dt. 26.2.1993 ultimately acquitted  
the applicant. The applicant was arrested on  
18.9.1990 and till 12.10.1990 he was under the  
police lock up and even after release from the lock up  
he ~~did~~ not intimate the department and the department  
got the intimation from the police authorities on  
27.5.1992. Accordingly, departmental proceedings were  
initiated and after inquiry the Disciplinary Authority  
removed the applicant from service. The applicant had  
preferred an appeal on 18.1.1993 and passed a final  
order modifying the penalty order of removal from  
service to that of compulsory retirement by which  
process the applicant is not losing any pensionary  
benefits.

2. During the course of hearing, the learned counsel for the applicant stated that after filing of the O.A. he has made a representation by way of revision and it is pending for consideration. We find that as per Section 19(4) of the Administrative Tribunals Act if any application is pending immediately before such admission shall abate. The respondents in their reply have stated that the applicant has not exhausted the available remedy, perhaps what they mean is that the revision application was not filed by the applicant.

3. In the facts and circumstances of the case we give one more opportunity to the applicant to prefer an application by way of revision to the competent authority, who may dispose of the same within a period of two months from the date of receipt of this order by passing a speaking order. The O.A. is disposed of accordingly.

*M.R. Kolhatkar*

(M.R. KOLHATKAR)  
MEMBER (A)

*B.S. Hegde*

(B.S. HEGDE)  
MEMBER (A)

B.