

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.K. Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

B.S. Hegde

(B.S. HEGDE)
MEMBER (A)

B.