

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 63 /1994.

Wednesday, this the 3rd day of June, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member(A).

R.F.Pani,
Karanja,
683 Building,
Flat No.5,
Naval Armament Depot,
Dist. Raigad,
Post Karanja,
Pin - 400 704.

... Applicant.

(By Advocate Shri D.V.Gangal)

V/s.

1. The Vice Admiral,
The Chief of Naval Staff,
Naval Head Quarters,
New Delhi.
2. The Flag Officer,
Commanding in Chief,
Western Naval Command,
Shahid Bhagat Singh Marg,
Fort, Bombay - 400 023.
3. The Admiral Superintendent,
Naval Dockyard,
Shahid Bhagat Singh Marg,
Fort, Bombay - 400 023.

... Respondents.

(By Advocate Shri V.S.Masurkar)

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application challenging the order of termination. The respondents have filed reply opposing the application. We have heard the learned counsel appearing on both sides.

2. The applicant was appointed as a Casual Labourer in the Naval Dockyard. Subsequently a disciplinary enquiry was initiated against him for obtaining the appointment on the basis of a fake marks card. After the enquiry the disciplinary authority passed an order

...2. *Per*

dt. 23.5.1988 removing the applicant from the service. The applicant's revision application was dismissed by the Competent Authority vide order dt. 18.2.1993.

In appeal to this orders the applicant has approached this Tribunal challenging the legality and validity of the orders on a number of grounds.

3. The respondents have filed reply justifying the action taken by the Disciplinary Authority.

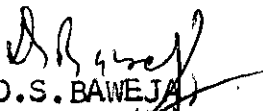
4. At the time of arguments, the learned counsel for the applicant Shri D.V.Gangal raised number of contentions so as to ~~the~~ question of legality and validity of the impugned orders of the Disciplinary Authority and Revision Authority. On the other hand, the learned counsel for the Naval Dockyard Shri Masurkar supported the action taken by the Department and submitted that the point is covered by ~~an~~ earlier decisions of this Tribunal in O.A. No.377/93 and connected cases.

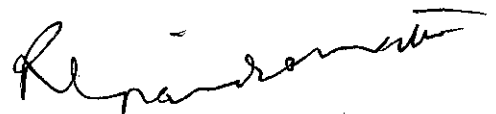
5. Identical question arose for consideration in a group of matters in O.A. No.377/93 and connected cases where ^{in the} an order dt. 26.3.1998 a Division Bench of this Tribunal, consisting of one of us (R.G.Vaidyanatha, Vice-Chairman) ^{has} ~~have~~ considered ^{and} ~~the order~~ rejecting the contentions, ~~and~~ upheld the punishment imposed by the Disciplinary Authority. The same contentions are again pressed by the learned counsel for the applicant in this case. In our view, in the light of the said order, where all ^{similar} ~~the~~ contentions were rejected by the Tribunal, we do not find any merit in any of the contentions raised today by the learned counsel for the applicant. We adopt the same reasoning given by the Division Bench

in the Judgment dt. 26.2.1998, we hold that the application has no merit and is liable to be dismissed.

6. In the result, the application fails and is hereby dismissed. In the circumstances of the case, there will be no order as to costs.

A copy of this order along with a copy of the order containing the detailed reasons in O.A. 377/93 also be furnished *to the applicant*


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE- CHAIRMAN.

B.

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