

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

RP 97/95

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 1219, 94

Hon'ble Vice Chairman / Member (J) / Member (A)

may kindly see the above Judgment for
approval / signature.

ME/BL/CL

V.C. / Member (J) / Member (A) (K/S)

27/9.

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P.97/95 in O.A.1219/94.

Niranjan Maroti Tabhane

... Applicant.

V/s.

1. Union of India,
Ministry of Defence,
New Delhi, through its
Secretary.
2. The Director General & Chairman
of Ordnance Factory Board,
10-A, Auchland Road,
Calcutta.
3. The Director,
Ordnance Factories Staff College,
Ambazari, Nagpur. ... Respondents

CORAM: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.
Hon'ble Shri M.R.Kolhatkar, Member (A).

TRIBUNAL'S ORDER ON R.P.-97/95
in O.A.1219/94 by Circulation.

DATED : 28-9-95

[Per Shri M.R.Kolhatkar, Member (A)]

In this Review Petition, the prayer is to review our order dated 6/3/95 in OA-1219/94 to the extent of some modification in the date of the appeal to which a reference was made in the order. We had stated in the order that the order of suspension has been challenged by filing an appeal dated 12/11/92. Earlier the application for modification of the order was rejected on 10/7/95 with liberty to applicant to apply for review if otherwise permissible. This review has been filed accordingly. According to the review petitioner, date of appeal mentioned in the order is incorrect. The order aught to state that what was directed/be disposed was the appeal dated 27/9/93 and not the appeal dated 12/11/92.

2. We have considered the submissions with reference to OA. The appeal dated 12/11/92 is at

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page-65, Annexure-9 of the OA and the prayer is to allow the applicant to engage a legal practitioner to defend his case. Hence this reference needs correction. As is clear from our oral judgement dated 6/3/95, we have considered the appeal against the order of suspension, but the contention of the review petitioner that the Tribunal ought to have directed disposal of the appeal dated 27/9/93 also does not appear to be correct. This appeal is at Annexure-14, page-85 of the OA. The prayers in this appeal relate to furnishing of documents with direction to the Disciplinary Authority to comply with certain guidelines in regard to supply of documents and the stay of enquiry proceedings till the decision of the appeal. It is clear therefore that this appeal does not relate to suspension. On perusal of the file we notice that at Annexure-11, there is appeal dated 18/6/93 at page-76 which is material. In this appeal the prayer is for revocation of order of suspension and for increasing the subsistence allowance. It is this appeal which is relevant in the context of our oral judgement dated 6/3/95.

3. We are therefore of the view that the ends of justice would be met if we replace the word "appeal dated 12/11/92" by the word "appeal dated 18/6/93". We, therefore, direct that our oral judgement dated 6/3/95 may be corrected by replacing the words "appeal dated 12/11/92" by the words "appeal dated 18/6/93." With this direction, the Review petition is disposed of. A copy of the order should also be sent to Respondents.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER(A)

M.S.Leshpande
(M.S.LESHPANDE)
VICE CHAIRMAN

abp.