

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
-----

Original Application No: 1128/94

Transfer Application No:

DATE OF DECISION: 16.1.1995

Shri V.L.Bhosle Petitioner

Shri D.V.Gangal Advocate for the Petitioners

Versus  
-----

Union of India & Ors. Respondent

Shri V.S.Masurkar Advocate for the Respondent(s)

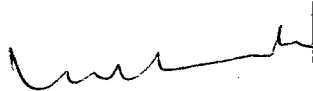
CORAM :  
-----

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ? NO

(P.P.SRIVASTAVA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

5

DA.NO. 1128/94

Shri Vikram Laxmanrao Bhosle ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri D.V.Gangal  
Advocate  
for the Applicant

Shri V.S.Masurkar  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 16.1.1995

(PER: M.S.Deshpande, Vice Chairman)

We have heard the learned counsel. Shri Gangal for the applicant stated that the only point which he is pressing in the petition is appointment of ad-hoc disciplinary authority considering the various allegations he has made in the present petition against the disciplinary authority. We ~~were~~ taken through the allegations against the disciplinary authority and the provision made in the D.G., P. & T., Memo No. 6/64/64-Disc., dated 27.1.1965 to the following effect :-

"In a case where the prescribed appointing or disciplinary authority is unable to function as the disciplinary authority in respect of an official, on account of his being personally concerned with the charges or being a material witness in support of the charges, the proper course for that authority is to refer such a case to Government in the normal manner for nomination of an ad hoc disciplinary authority by a Presidential Order under the provisions of Rule 12(2) of C.C.S. (C.C.A.) Rules, 1965."

6

The allegations which are made against the disciplinary authority are to be found in Para 4.1 to 4.3 of the petition. It is clear from the departmental instructions that it is for the Government to take steps under those instructions and it is not for us during the pendency of departmental proceedings to give any directions to the authority concerned. We only direct that in the event of <sup>the</sup> applicant making a representation against the disciplinary authority for appointment <sup>(of)</sup> an ad-hoc disciplinary authority, that request shall be considered by the competent authority within two weeks thereafter. The decision taken on the representation shall be conveyed to the applicant in writing and the order imposing the penalty shall not be enforced until the expiry of two weeks from such decision.

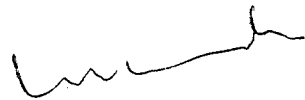
2. Shri Masurkar, learned counsel for the respondents urged that there is no prayer to this effect, and that the present application is frivolous because the applicant had <sup>(and)</sup> approached the Tribunal earlier also and by prayer clause 8 (d) <sup>(and)</sup> asked for appointment of a Judge of the Bombay High Court as disciplinary authority or <sup>(Sh.)</sup> T.N. Seshan as disciplinary authority. Both these prayers are ridiculous and frivolous and cannot be granted. The last line of the prayer is that any authority which is independent of Govt. of India shall be appointed <sup>(and)</sup> this also cannot be granted. The limited relief the applicant can ask for is to the extent we have indicated above. We, therefore, reject <sup>(and)</sup>

7

prayer 8 (d) entirely and grant prayer 8 (c) to the limited extent indicated above. The other matters raised by the application are left open to be agitated if the applicant chooses to approach the Tribunal against the penalty imposed on him in the disciplinary proceedings. With this direction the OA. is disposed of.



(P.P.SRIVASTAVA)  
MEMBER (A)



(M.S.DESHPANDE)  
VICE CHAIRMAN

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

C.P. 34/95 in

Original Application No. 1123/94

V.L. Bhosle

...Applicant.

V/s.

Shri S.P. Saxena,  
Manager now Director II  
Telcom Factory, Deonar,  
Bombay.

...Respondent.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri D.V. Gangal, counsel  
for the applicant.

Shri V.S. Masurkar, counsel  
for the respondents.

Tribunal's order

Dated: 2.3.95

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

The learned counsel for the applicant submits that pursuant to the order of the Tribunal dated 16.1.95, he made representation to the Disciplinary authority on 17.1.95 without mentioning the order of the Tribunal. Respondents vide their letter dated 7.2.95 replied to the applicant <sup>and</sup> returned the original representation made by the applicant. " as per directives of Hon. CAT Bombay Bench vide their judgement dated 28.2.94 in O.A. 11/94. Report is awaited. "

2. The learned counsel for the respondents submits that the direction of the Tribunal is " that in the event of the applicant making a representation against the disciplinary authority for appointment of an adhoc disciplinary authority, that request shall be considered by the competent authority within two weeks thereafter." The representation made by the applicant should be addressed to the General Manager who in turn <sup>will</sup> take appropriate action to the

representation. The representation should be referred to the President in terms of Rule 12 of CCS (CCA) Rules 1965 . The applicant is directed to make representation to the General Manager along with copy of the judgement of the Tribunal within a period of one week from the date of receipt of this order. The competent authority shall dispose of his representation within two months thereafter. C.P. is discharged.

*M.R. Kolhatkar*

---

(M.R. Kolhatkar)  
Member (A)

*B.S. Hegde*

(B.S. Hegde)  
Member (J)

NS