

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 159/95  
Transfer Application No.

Date of Decision : 17.2.1995

V.T.Sable.

Petitioner

Shri M.S.Ramamurthy.

Advocate for the  
Petitioners

Versus

Union of India & Ors.

Respondents

Shri S.S.Karkera.

Advocate for the  
respondents

C O R A M :

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

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

- (1) To be referred to the Reporter or not? *W*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *W*

  
(M.S.DESHPANDE)  
VICE-CHAIRMAN

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BOMBAY BENCH, BOMBAY.

Original Application No.159/95.

V.T.Sable. ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

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

Appearances:-

Applicant by Shri M.S.Ramamurthy.  
Respondents by Shri S.S.Karkera.

Oral Judgment:-

{Per Shri M.S.Deshpande, Vice-Chairman} Dt. 17.2.1995.

The order of dismissal was passed on 30.12.1994 and was communicated to the applicant on 10.1.1995. The applicant has approached the Tribunal without availing of the remedy of filing an appeal. Shri Ramamurthy for the applicant has raised several contentions before us touching the scope of the authority of the President to appoint a Disciplinary Authority at a later stage after the initial stage had passed in order to urge<sup>and</sup> that should we decide that the applicant should file an appeal, the impugned order should be kept in abeyance. We do not wish to enter into the several questions of facts which has been raised before us to day because it will be for the appellate authority to decide on those aspects, nor are we persuaded to decide the question of the jurisdiction of the President to appoint Disciplinary Authority at a later stage, because in our opinion, it is not clear whether that issue would finally decide the OA before us.

2. We therefore, direct the applicant to file

an appeal within two weeks from to day and if the appeal is filed within that period the objection of limitation in filing the appeal shall be waived. The appellate authority shall decide the appeal within three months from the date of the communication of this order. No interim relief.

3. The Original Application is disposed of with the above directions.

*M.R. Kolhatkar*

(M.R. KOLHATKAR)  
MEMBER (A)

*M.S. Deshpande*

(M.S. DESHPANDE)  
VICE-CHAIRMAN

B.