

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH.

ORIGINAL APPLICATION NO.:258/95

Dated this Thursday the 06th day of April 2000.

Shri R.S. Patil

Applicant

Mr.D.V. Gangal

Advocate for the
Applicant.

VERSUS

Union of India & Ors.

Respondents.

Mr.V.S. Masurkar

Advocate for the
Respondents.

CORAM :

Hon'ble Shri B.N. Bahadur, Member (A)
Hon'ble Shri S.L. Jain, Member (J)

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library.

B.N.B.
(B.N. Bahadur)
Member (A).

H.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

Original Application No.258/95

Dated this Thursday the 6th Day of April, 2000

Coram : Hon'ble Shri B.N. Bahadur, Member (A)
Hon'ble Shri S.L. Jain, Member (J)

Shri R.S. Patil,
Working as Unskilled Labourer,
residing at Chinwala Building,
Gr.Floor, Store Room,
C/o. Naresh Readymade Store,
Nowrojee Road No.7, Dongri,
Mumbai - 400 009.
(By Advocate Shri D.V. Gangal)

.. Applicant.

Vs.

1. Union of India, through
The Secretary,
Ministry of Defence,
South Block, New Delhi-11.
2. The Chief of Naval Staff,
Naval Head Quarters,
South Block, New Delhi.
3. The Flag Officer,
Commanding in Chief,
Western Naval Command,
Fort, Bombay-40023.
4. The Admiral Superintendent,
Naval Dockyard,
Bombay - 400 023.
(By Advocate Shri V.S. Masurkar)

.. Respondents.

O R D E R (Oral)
(Per : Shri B.N. Bahadur, Member (A))

This is an application made by Shri R.S. Patil formerly unskilled Labourer with the Naval Dockyard, Mumbai, seeking the relief from this Tribunal as follows:-

- (a) That this Hon'ble Tribunal may be graciously pleased to quash and set aside the removal order dt. 23.5.87 and appellate order dt.14.4.89, and the fresh 2nd removal order dtd. 28.10.92 and the Appellate Order dt.28.4.1994.

...2..

- (b) To hold and declare that the Applicant is entitled to reinstatement and full backwages and continuity in service.
- (c) Pass any other and further orders in the interest of justice with costs and for which act of kindness the Applicant as in duty bound shall ever pray.

2. We have heard Learned Counsels on both sides. It was argued at the very start by Counsel for Respondents that the issue raised in the present O.A. is covered by more than one Judgment of this Bench of the Tribunal and in this regard a copy of the Judgment dtd. 26.3.1998 in batch of OAs bearing numbers 377/93, 282/94, 284/94 and 287/94 was produced for our perusal. Similarly, a copy of Order in O.A.No.63/94 decided on 3.6.1998 was also produced before us. We have perused these.

3. The fact that the case before us is similar in its contents and basic issues to the one cited above has not been denied. The Learned Counsel for the Applicant has rested his case on the facts, grounds and averments made in the O.A., but does not deny the fact that this is a covered case. However, Learned Counsel for the Applicant made the following point before us strenuously. Drawing attention to the various penalties prescribed under Rule 11 of the CCS(CCA) Rules, he pointed out that removal from service had a concomittant clause to the effect that the person removed was eligible for re-employment in the Government service. In support of his contention he cited the case of P.L. Dhingra Vs. UOI (AIR 1958 SC 36). He drew our attention to the point made therein to the effect that removal from service did not entail ^{a bar} ~~an~~ bar ^{on} ~~in~~ future employment with Government. Learned Counsel for the Applicant pleaded that this should be made clear in the Order.

B.S.

4. Learned Counsel for the Respondents argued his case mainly on the basis of Judgment dated 26.3.1998 in the batch of case cited above by this Bench of the Tribunal.

5. In view of the pleadings made before us in this case, the case will need to be decided on the basis of ratio/ reasons of the Order dated 26.3.1998 cited above. Since the issue has been discussed in the case above in full detail, we do not find any reason to restate the reasons. In view of this the present O.A. would need to be dismissed.

6. In regard to the point made by Learned Counsel for the Applicant (as described in para 3 above), it is clear that the law and rules will operate, and therefore it will be redundant for us to make any observation here regarding the eligibility of the applicant to join Government service in future. The law and rules applicable will prevail. *the point relating to* *B.S.*

7. In view of the above, the O.A. is hereby dismissed.

There will be no order as to costs.

S.L. Jain
(S.L. Jain)
Member (J)

H.

B.N. Bahadur
(B.N. Bahadur)
Member (A).