

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 399/95
Transfer Application No.

Date of Decision : 18.04.1995

S.K. More

Petitioner

Mr. D.V. Gangal

Advocate for the
Petitioners

Versus

U.O.I. & Ors.

Respondents

Mr. Karkera for Mr. P.M. Pradhan

Advocate for the
respondents

C O R A M :

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

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

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

Hegde
M(J) *yes*, Vice Chairman

frk

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESOCOT ROAD, BOMBAY-1

O.A.NO.399/95

S.K. More

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon.Shri B.S.Hegde, Member(J)
Hon.Shri M.R.Kolhatkar, Member(A)

APPEARANCE:

Mr. D.V.Gangal
Counsel for the applicant

Mr.Karkera for Mr. P.M.Pradhan
Counsel for the respondents

ORAL JUDGMENT:
(Per: B.S.Hegde, Member(J))

DATED: 18.4.1995

Heard the counsel.

2. Mr.Gangal, Ld. Counsel for the applicant has drawn our attention to various orders passed by the Tribunal as well as the criminal court. The applicant was ultimately dismissed from service on 10.4.1995. Instead of preferring an appeal to the Appellate Authority he has filed this O.A. seeking stay of operation of the dismissal order dated 10.3.1995. It is within the knowledge of the applicant that his dismissal was effective from 10.4.95 and he has filed the O.A. only on 10.4.95. Mr.Gangal has drawn our attention to the Tribunal order dated 13.1.1995 passed while disposing the C.P.No.52/93 in O.A.No.419/89. It is observed in the Tribunal's order that "the charges against the applicant were of misappropriation of funds, we would rather condone the delay in initiating departmental action. All that we direct is that the departmental proceedings now pending be decided within two months from to day. Shri Gangal for the applicant requests that in the event of the applicant being removed or dismissed from service as a result of the departmental

inquiries he should be given time to approach the Tribunal because he wants to file a separate O.A. before the Tribunal challenging proceedings which have been initiated afresh after the decision of the Criminal Court on the same facts. We only direct that the applicant shall not be disturbed from his employment for a period of four weeks from the date of passing the final order to enable the applicant to file a separate O.A. Accordingly the applicant was given four weeks time from the date of passing of final order dated 10.3.1995 upto 10.4.95. The applicant has not taken any action within that time and has filed the O.A. only on 10.4.95. He seeks for status-quo ante of the dismissal order which is not tenable and the same is rejected.

3. In the circumstances we dispose of the O.A. by giving the following direction:

The applicant may make an appeal to the Appellate Authority giving entire background of the case and requesting the Appellate Authority to take a lenient view of the matter keeping in view the acquittal by the Criminal Court and consider his reinstatement. If the applicant files an appeal within one month the Appellate Authority shall decide the same within four months by passing a speaking order. With these directions the O.A. is disposed of.

No order as to costs.

M.R.Kolhatkar

(M.R.Kolhatkar)
Member(A)

B.S.Hegde

(B.S.Hegde)
Member(J)