

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 673/95, 674/95 and 675/95
Transfer Application No.

Date of Decision 29.9.95

Vasudeo Tukaram Kadam

Petitioner/s

Sudhir D;Salvi
Ayub Kasam Khan

Shri M.S. Ramamurthy

Advocate for
the Petitioners

Versus

Union of India and others

Respondent/s

Shri M.E. Sethna with
Shri Suresh Kumar

Advocate for
the Respondents

CORAM :

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

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 ?

B.S. Hegde
(B.S. Hegde)
Member (J)

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 673/95

Vasudeo Tukaram Kadam

... Applicant.

Original Application No. 674/95

Sudhir D. Salvi

... Applicant.

Original Application No. 675/95

Ayub Kasam Khan

... Applicant.

V/s.

1. Union of India through
the Secretary,
Ministry of Finance,
Department of Revenue
Government of India,
North Block
New Delhi-

2. Deputy Collector of
Customs (P&V),
New Custom House,
Ballard Estate,
Bombay.

3. The Collector of Customs
New Customs House,
Ballard Estate,
Bombay.

... Respondents.

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

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

Appearance:

Shri M.S. Ramamurthy, counsel
for the applicants

Shri M.I. Sethna, with Shri
Suresh Kumar, counsel for the
respondents.

ORAL JUDGEMENT

Dated: 29.9.95

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

Heard Shri M.S. Ramamurthy, counsel
for the applicants and Shri M.I. Sethna with Shri Suresh
Kumar counsel for the respondents.

... 2 ...

2. The learned counsel for the respondents draws our attention to the order dated 20.3.95. After considering the rival contention of the parties the Tribunal has passed the following order:

" Since there were other persons also on the panel, we direct the respondents to consider the case of such of those who approach them within four weeks and process them by asking them to undergo medical and physical test according to the Rules."

It is on record, that the Tribunal's order has been given to the parties on 21.3.95. The learned counsel for the applicants stated that the applicants have approached the department on 10.4.95 and on 20.4.95 which is within the time prescribed by the Tribunal.

3. The respondents have filed an affidavit stating that the applicants have not approached the respondent's department within the time prescribed and the applicants have approached the department only on 20.4.95. Hence the respondents could not appoint them.

4. The short question for consideration is whether the applicants have approached the respondents within the time prescribed by the Tribunal. The answer is in the affirmative.

5. Therefore in the facts and circumstances of the case, the respondents should consider the case of the applicants as per the directions of the Tribunal dated 20.3.95 as they have already been empanelled earlier on priority basis.

With the above directions, the O.As
are disposed of at the admission stage itself.

M.R. Kolhatkar
(M.R. Kolhatkar)
Member (A)

B.S. Hegde
(B.S. Hegde)
Member (J)

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