

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.950/97.

Tuesday, this the 4th day of January, 2000.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member(A).

Narayan Parshuram Jadhav,
H-11, Mint Staff Quarters,
Senapati Bapat road, Mahim,
Mumbai - 400 016.
(By Advocate Mr.G.K.Masand)

...Applicant.

Vs.

1. Union of India through
the Secretary in the Ministry
of Finance, Department of Economic
Affairs,
New Delhi.

2. General Manager,
India Government Mint,
Sahid Bhagat Singh Road,
Mumbai - 400 001.

(By Advocate Mr.V.D.Vadhavkar on
behalf of Mr.M.I.Sethna).

...Respondents.

: O R D E R :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

In this O.A., the applicant is seeking a direction to the respondents to consider the case of the applicant for crossing the Efficiency Bar and also for a direction to promote him. The respondents defence is that the applicant's request for crossing the Efficiency Bar and promotion cannot be considered in view of the pending departmental enquiry against him. To day, we have heard both the counsels, regarding admission.

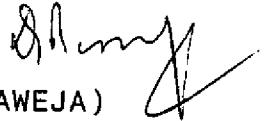
2. To day, it is brought to our notice that the Disciplinary Enquiry has ended in the Competent Authority passing an order of punishment dt. 17.7.1999. A perusal of the order shows that the

General Manager has allowed the applicant to cross the EB from the date he was due for the same. In view of the observations in the order dt. 17.7.1999, the applicant's prayer for a direction of crossing EB will not survive.

As far as the applicant's claim for promotion is concerned, the finding of the DPC had been kept in sealed cover and now in view of the disciplinary enquiry ending in a penalty the sealed cover cannot be opened as per rules. Of course, this is without prejudice to the right of the applicant to challenge the order of penalty before the Appellate Authority. In these circumstances, we feel that there is no necessity to keep the OA on file in view of the subsequent events. It is open to the applicant to challenge the order of the Disciplinary Authority before the Appellate Authority. Needless to say that if any adverse order is passed by the Appellate Authority, then the applicant can challenge the same by approaching this Tribunal according to law.

At this stage, the applicant's counsel brought to our notice that due to the pendency of the OA, the applicant could not file appeal before the Appellate Authority. Since we are now giving liberty to applicant to challenge the order of the Disciplinary Authority, we direct that in case an appeal is filed by the applicant within six weeks from to day, then the Appellate Authority shall consider the ^{same} merits without going to the question of limitation and pass appropriate orders according to law.

3. In the result, the OA is disposed of subject to the observations mentioned above. No costs.


(D.S. BAWEJA)

• M(A)


(R.G. VAIDYANATHA)

V/C.

B.

C

C