

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 967/98

Date of Decision: 28/1/99

Shri Bhaguram Ramji Jadhav Petitioner/s

Shri K.R.Yelwe Advocate for the
Petitioner/s.

v/s.

Union of India & 3 Ors. Respondent/s

Shri V.S.Masurkar Advocate for the
Respondent/s

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri

(1) To be referred to the Reporter or not? *MV*

(2) Whether it needs to be circulated to *MV*
other Benches of the Tribunal?

R.G.Vaidyanatha
(R. G. VAIDYANATHA)
VICE CHAIRMAN

abp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULE STAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 967/98.

DATED THE 28TH DAY OF JANUARY, 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Shri Bhaguram Ramji Jadhav,
HSK-I Ticket No. 27519, C.No. 32,
Naval Dockyard, Mumbai-23.
residing at C.G.S. Quarters, Sector-7,
No. 81/3316, Type-II,
S.M. Plot, Antop Hill,
Mumbai - 400 037.

... Applicant.

By Advocate Shri K.R.Yelwe.

v/s.

1. Union of India through
the Director of Estates,
Government of India,
New Delhi-110 001.
2. The Superintending Engineer(C),
Mumbai Central Circle-II/CPWD,
C.G.C. Quarters,
Ghatkopar(W),
Mumbai - 400 081.
3. The Assistant Estate Manager,
Office of the Estate Manager,
Old C.G.O. Bldg., Annexe,
3rd Floor, 101, M.K.Road,
Mumbai - 400 020.
4. The Personnel Manager,
Naval Dockyard Lion Gate,
Mumbai - 400 023.

... Respondents.

By Advocate Shri V.S.Masurkar

I O R D E R

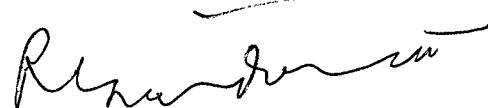
I Per Shri R.G.Vaidyanatha, Vice Chairman]

In this case the applicant is challenging the order of cancellation of allotment dated 20/9/98. It is also an admitted fact that the applicant has filed an appeal before the Appellate Authority by his appeal memo dated 16/10/98. It is admitted that the appeal is pending before Superintending Engineer, CPWD, Mumbai who is respondent No.2 in this case. Since the appeal is pending, no action can be taken on the present



application and the applicant should approach this Tribunal if any adverse order is passed by the Appellate Authority. Since there is a demand for penal rent in pursuance of the order of cancellation, I feel that the applicant should not be forced to pay penal rent till disposal of appeal by Appellate Authority.

2. For the reasons mentioned above, the application is disposed of at the admission stage. The Appellate Authority namely the second respondent (Superintending Engineer, CPWD, Mumbai) is directed to dispose of applicant's appeal dated 16/10/98 expeditiously. The respondent's are directed not to recover any penal rent from the applicant till the disposal of appeal by Appellate Authority. Needless to say if any adverse order is passed by Appellate Authority, the applicant can challenge the same ^{according to law.} All contentions on merits are left open. This order is without prejudice to the rights of both the parties. In the circumstances, of the case, there will be no orders as to costs.



(R. G. VAIDEYANATHA)
VICE CHAIRMAN

abp.