

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 107/98.

Date of Decision : 23.01.1998.

Yeshwant Anand Bhadekar

Applicant.

Shri K. P. Anil Kumar.

Advocate for the
Applicant.

Versus

Union Of India & Another

Respondents.

Shri V. D. Vadavkar for
Shri M. I. Sethna,

Advocate for the
Respondents.

CORAM :

HON'BLE SHRI JUSTICE R. G. VAIDYANATHA, VICE-CHAIRMAN.

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

(i) To be referred to the Reporter or not? *no*

(ii) Whether it needs to be circulated to *no*
other Benches of the Tribunal?

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

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 107/98.

Dated this Friday, the 23rd day of January, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

Yeshwant Anand Bhadekar,
residing at -
318/2 3, Shiv Sadan,
Nanda Patkar Road,
Vile Parle (East),
Mumbai - 400 057.

... Applicant

(By Advocate Shri K.P. Amil Kumar)

VERSUS

1. Union Of India
through
The Ministry of Finance.

2. Mr. A. K. Mishra,
Additional Collector of Customs,
Vigilance Section,
New Customs House,
Ballard Estate,
Bombay - 400 038.

... Respondents.

(By Shri V. D. Vadhavkar for
Shri M.I. Sethna).

: ORAL ORDER :

This is an application challenging the
issuance of Show Cause Notice dated 01.12.1997.
who
Shri V. D. Vadhavkar, appears for Shri M.I. Sethna,
Counsel for the respondents, opposes the application.
Heard both counsels.

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2. It appears that the applicant was earlier exonerated in the disciplinary enquiry but in view of his subsequent conviction by the Criminal Court on the same charge, the President has issued a Show Cause Notice dated 01.12.1997 calling upon the applicant to show cause as to why the previous disciplinary proceedings should not be reopened. The Learned Counsel for the applicant submits that the order of conviction has been challenged before the High Court and he has obtained ~~as~~ stay order. In our view, since the matter is still at the Show Cause Notice stage, we cannot interfere at this stage. It is open to the applicant to file a reply to the Show Cause Notice taking all ~~advantage~~ ^{defences} available to him including the Stay Order granted by the High Court. Then, it is open to the ~~applicant~~ ^{comptroller authority} to decide whether to re-open the disciplinary enquiry or not. Then, if any adverse order is passed, then the applicant can challenge the same according to law. Therefore, without expressing any opinion on the rival contentions, we are disposing of this application at the admission stage.

It is brought to our notice that the time fixed for the Show Cause notice has expired. We feel that the time to give reply to the Show Cause notice be extended by a reasonable time so that the applicant could give his reply to the Show Cause notice.

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3. In the result, the O.A. is disposed of at the admission stage with an observation that the applicant could file a reply to the Show Cause Notice dated 01.12.1997 on or before 15.02.1998. Then, the Disciplinary Authority can decide as to what action should be taken on the basis of the Show Cause Notice dated 01.12.1997 after considering the representation of the applicant.

4. The O.A. is disposed of subject to the observations made in this order. All contentions on merit are left open. No costs.

DASTI

Mr. K. G. Vaidyanatha

(M.R. KOLHATKAR)

MEMBER (A).

R. G. Vaidyanatha

(R. G. VAIDYANATHA)

VICE-CHAIRMAN.

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