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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
J A I P U R.

Date of Decision: May 14, 1993.

OA 180/93

SHRI GYARSI LAL

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON. MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON. MR. O.P. SHARMA, ADMINISTRATIVE MEMBER.

For the Applicant

... SHRI S.K. JAIN.

For the Respondents

... ---

JUDGEMENT (ORAL)


(DELIVERED BY HON. MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN)

Heard the learned counsel for the applicant. We have perused the record of the case. The learned counsel for the applicant has also cited before us the judgement in OA 599/88 Prakash Chand Vs. UOI, decided on 10.9.88. The applicant has filed the application challenging the order of removal, which was directed to be communicated to him on 12.3.93. Shri Jain submits that the order has not been served on his client so far. In the light of the judgement, in the case of Prakash Chand Vs. UOI, we direct the respondents that the order of removal may be deemed to have been served on the applicant^{today} if not served so far. In the result, we pass the following orders;

R. J. Mehta
The applicant may file an appeal against the order of the DRM, within the prescribed period. The competent authority will dispose of the appeal, filed by the applicant, as expeditiously as possible, but not beyond three months from the date of presentation of the appeal.

2. We do not agree with the arguments of Shri Jain that the clause relating to stay order should be included in our order. We reject the prayer of the stay. We also do not agree with the submission made by Shri Jain that the stay order should be passed on the same grounds as the stay order was passed by the Bombay Bench in Prakash Chand Vs. UOI. The Bombay Bench has not decided the matter on merits and has accepted the suggestions of both the parties and their order was passed according to the suggestions of the parties.

3. Accordingly, we cannot consider the above order of Bombay Bench as precedent and, therefore, do not consider it necessary to make a reference. The prayer for stay is rejected. The OA stands disposed of, with no order as to costs.


(O.P. SHARMA)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN

VK.