

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No. 682/2017.

Date of Decision: 10.11.2017.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Shri. Uday Kale,
Aged:- 53 years, Son of Ramchandra Kale,
Ex-Police Sub-Inspector, Police
Department, Daman & Diu, Daman,
residing at Old Police Quarters, Teen Batti,
Katharia, Nani Daman- 396210.

... ***Applicant***

(By Advocate Shri Vishal Shirke)

Versus

1. Union of India.

Through the Administrator,
U/T of Diu & Daman,
Moti Daman 396 220.

2. The Deputy Inspector General of Police,

Diu & Daman,
Daman 396 220.

... ***Respondents.***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri Vishal Shirke, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicant joined the Police Service with the respondents in the lowest cadre of Police Constable in the year 1984. He secured promotion to the posts of Head Constable, Assistant Police Sub-Inspector and finally as Police Sub-Inspector. He has grievance regarding the impugned order dated 29.09.2017

(Annexure A-1) issued by the Respondent No.2 by which he is dismissed from service by dispensing with the regular inquiry by virtue of the provisions of Rule 10(ii) read with Rule 3 (m) of Union Territories of Daman & Diu Police Subordinate Services (Discipline & Appeals) Rule 2005 & as per clause (b) of second proviso to Article 311(2) of the Constitution of India.

3. It is stated that the applicant has availed the statutory remedy of appeal against the impugned order of dismissal by approaching the Respondent No.1, in appeal dated 12.10.2017 (Annexure A-2). However, so far no order has been passed on it. Hence, the present OA is filed for the limited reliefs as mentioned in para 8, which is reproduced herein below;

“(a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same direct the respondents to decide the appeal of the applicant dated 12.10.2017 against order dated 29.09.2017 within a period of Two (2) weeks.

(b) Costs of the application be provided for.

(c) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.

4. It is thus obvious from record that although the applicant has availed the statutory remedy of appeal, there is no decision on it so far. As such, OA can lie only on decision of the said appeal. However, appropriate directions can be issued in the present OA without touching to the merits of the claim.

5. In the result, the Respondent No.1 is directed to

consider and pass a reasoned and speaking order on the pending appeal dated 12.10.2017 (Annexure A-2) of the applicant in accordance with law within a period of six weeks from the date of receipt of certified copy of this order.

6. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

7. The OA stands disposed of with the above directions at the admission stage, without making any comments on merits of the claim or without issuing notice to the respondents.

8. *Dasti.*

(R. Vijaykumar)
(A.J. Rohee)

Member (A)
Member (J)

dm.