

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

MISCELLANEOUS APPLICATION No.635 OF 2017
IN
ORIGINAL APPLICATION No.552 OF 2017

Dated this Thursday, the 16th day of November, 2017

**CORAM: HON'BLE SHRI ARVIND JAYRAM ROHEE, MEMBER (JUDICIAL)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (ADMINISTRATIVE)**

Gurunath Manohar Mestri . . . ***Applicant***

VERSUS

1. Union of India & 2 ors. . . . **Respondents**

Appearance:

Ms. Priyanka Mehndiratta, learned Advocate for the applicant.

ORDER ON MA FOR SPEAKING TO MINUTES

This MA is filed on behalf of the applicant for speaking to minutes of order dated 15.09.2017 passed by this Tribunal in the above OA. Notice to respondents dispensed with.

2. Heard Ms. Priyanka Mehndiratta, learned Advocate for the applicant. We have carefully perused the case record.

3. This Tribunal vide order dated

15.09.2017 disposed of the above OA at the admission stage with certain directions to the respondents. It is pointed out by the learned Advocate for the applicant that in paragraph No.4 of the order, this Tribunal has mentioned that it is submitted by the learned Advocate for the applicant that responsible officer is dead, which is not so and hence, this MA is filed. Paragraph No.4 of order reads as under :-

“4. It is submitted by the learned counsel for the applicant that the employee who is actually responsible for misappropriation of the Government amount is dead and the respondents had transferred the burden on the applicant and others without establishing their delinquency.”

4. The learned Advocate for the applicant submitted that through oversight it is mentioned that the person who is actually responsible for misappropriation of the Government amount is dead, although in fact he is still in service. It is, therefore, submitted that paragraph No.4 of order be suitably modified by deleting the word 'dead'. Accepting the contentions of the learned Advocate, the paragraph No.4 of the order dated 15.09.2017 is modified as under :-

"It is submitted by the learned Advocate for the applicant that the official, who is actually responsible for misappropriation of the Government amount, although is presently in service no action has been taken against him by the Department and the respondents has transferred the burden on the applicant and others without assigning their delinquency."

5. The entire order dated 15.09.2017 be replaced incorporating the modified paragraph No.4 in it as above and then its certified copy be issued to both the learned Advocates for the parties.

6. MA is allowed in above terms.

7. On the request made Steno copy of this order duly authenticated, shall be supplied to the learned Advocate for the applicant for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (Administrative)

(Arvind J. Rohee)
Member (Judicial)

*kmg**