

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

O.A.237/2019

Dated this Wednesday the 1st day of May, 2019

Coram: Dr. Bhagwan Sahai, Member (A).
Shri R. N. Singh, Member (J).

1. Shri Mahesh Yadav,
Son of Daulat Ram Yadav,
Age 45 years,
Working as Deputy Development
Commissioner, SEEPZ-SEZ, Mumbai
(on Deputation),
Residing at House No.904,
Sector 3, CGS Colony,
Antop Hill, Mumbai 400 037.

...Applicant.

(By Advocate Shri S. V. Marne).

Versus

1. Union of India,
Through The Secretary,
Ministry of Commerce & Industry,
Udyog Bhavan,
New Delhi-110 001.
2. The Development Commissioner,
SEEPZ-Special Economic Zone,
Andheri (East), Mumbai 400 096.
3. Shri Baldev Singh,
Development Commissioner,
SEEPZ/Special Economic Zone,
Andheri (East), Mumbai-400 096.

... Respondents.

(By Advocate Shri V. S. Masurkar).

O R D E R (O R A L)

Per : R. N. Singh, Member (Judicial)

Present.

1. Shri S. V. Marne, learned counsel for the
applicant and Shri V. S. Masurkar, learned counsel

for the respondents. We have carefully perused the case record.

2. By way of the present OA the applicant has challenged the order dated 14.03.2019 (Annex A-1), passed by respondent no.2 whereby the respective charges/function/files/computers/hard disk and all other electronic devices held by the applicant have been withdrawn from him with immediate effect and further the applicant has been directed vide impugned order not to interact with any of the unit holder/outsideers and staff members. In response to the aforesaid impugned order dated 14.03.2019, the applicant has submitted a representation dated 26.03.2019 (Annex A-5) to the Competent Authority i.e. Secretary, Department of Commerce, Ministry of Commerce and Industry, Udyog Bhavan, New Delhi for redressal of his grievances.

3. The applicant has filed the present OA on 05.04.2019. In response to the notice issued by this Tribunal, the respondents have filed reply. On the basis of such reply, the learned counsel for the respondents submits that the applicant had received a Dasti notice on 10.04.2019 itself. However, he has deliberately served the same upon the respondents only on 24.04.2019. The learned counsel for the

respondents submits that the OA is premature in view of the provisions of the Section 20 of the Administrative Tribunals Act, 1985, they require the applicant to await the decision of the Competent Authority on his such representation for six months.

4. The learned counsel for the respondents further argues that no cause of action has accrued to the applicant and the present OA is misuse of process of law. The learned counsel for the applicant submits that he could not serve notices upon the respondents no.2 and 3 immediately in view of the fact that the respondents no.2 and 3 kept on assuring the applicant orally that his grievance shall be looked into and redressed shortly.

5. At this stage, the learned counsel for the applicant submits that the applicant shall be satisfied if the respondent no.1 is directed to consider his pending representation dated 26.03.2019 (Annex A-5) in a time-bound manner and pass a reasoned and speaking order thereon.

6. In view of the aforesaid, the OA is disposed of with directions to the respondent no.1 to consider the aforesaid pending representation dated 26.03.2019 of the applicant keeping in view all material facts and record in accordance with relevant rules on the

subject and to pass a reasoned and speaking order within six weeks from the date of receipt of certified copy of this order and communicate the same to the applicant within two weeks thereafter.

7. We make it clear that while passing this order we have not expressed our opinion on the merit of the claim of the applicant made in the present OA

8. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.

JW
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