

Ladda(PS).

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1688 of 2015.

Ankush G. Mokalkar ..Petitioner.

Vs.

Union of India & 3 Ors ..Respondents.

Mr. Abhijeet Desai for the Petitioner.

Mr. T.S.Pandian for the Respondent no. 1 to 4.

CORAM : ANOOP V. MOHTA AND
A.S.GADKARI, JJ.

DATE : 30th NOVEMBER, 2016

ORAL JUDGMENT (PER: ANOOP V. MOHTA, J)

1. Rule. Rule returnable forthwith. Heard finally by consent of parties.

2. The petitioner has challenged the impugned order dated 14th March, 2013 passed by the Central Administrative Tribunal (CAT) Mumbai Bench, Mumbai ("the CAT" for short) in Original Application No. 191/2011; whereby, after considering the submissions based upon the findings given by the Enquiry Officer/Disciplinary Authority and considering undisputed

fact based upon the record that the petitioner was unauthorizedly absent from the duty for 2379 days. The Revisional Authority has also taken note and specifically recorded that the petitioner in ten years of his service was absent for more than 6½ years. An opportunity was given to the petitioner but in spite of the same there was no improvement in conduct and he was absent as recorded above.

3. We have also noted that the concerned Authority after giving full opportunity to the petitioner and by following the due procedure, from time to time, at all stages, as required, right from Enquiry Officer's stage till the final order passed by the Reviewing Authority and as there is no perversity and/or any material to justify the interference, we are not inclined to accept the submission of learned counsel appearing for the petitioner now to grant an opportunity again and to reopen the findings of facts and the decisions so given by the Authorities as recorded above, this is not the case where any indulgence is required to be extended to the petitioner. The findings

therefore given by the learned (CAT) Tribunal from paragraphs 9 to 13 and as recorded above the records and submissions so made by the learned counsel appearing for the parties we find there is no case to interfere with the same. The petition is dismissed. No costs.

(A.S. GADKARI, J.)

(ANOOP V. MOHTA,J)