

Central Administrative Tribunal, Principal Bench
New Delhi

O.A. No.3036/2001

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New Delhi this the 4th day of June, 2002

Hon'ble Smt. Lakshmi Swaminathan Vice Chairman (J)
Hon'ble Mr. M. P. Singh, Member (A)

Sh. Bimal Singh,
S/o Shri Mangal Singh,
R/o House No 400, New Govind Puri,
Kankar Khera,
Meerut Cantt.
Meerut (UP).

- Applicant

(By Advocate : Shri Mukesh Kumar Gupta)

Versus

1. Union of India
Through its Secretary,
Ministry of Defence
South Block,
New Delhi-110001.
2. The Controller General of Defence Accounts,
(Ministry of Defence)
West Block-V,
R.K. Puram,
New Delhi.
3. Controller of Defence Account
Office of Principal Controller of Defence
Accounts, G-Block, Hutments K. Kamraj Marg,
New Delhi-110011.
4. Controller of Defence Accounts (Training),
Meerut Cantt.,
Meerut.

- Respondents

(By Advocate : Shri A.K. Bhardwaj)

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicant is aggrieved by the penalty order passed by the respondents removing him from service vide order dated 24.7.2000, which penalty has been confirmed by the appellate authority by rejecting applicant's appeal by order dated 24.4.2001.

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2. In our previous order dated 17.4.2002, it has been noticed that the learned counsel for applicant had prayed for a similar order as has been done by the Tribunal (Chandigarh Bench) in the case of Aman Singh Vs. Union of India and Ors. (OA No.309/CH of 2001), which was decided on 14.8.2001 (copy placed on record).

3. Our attention has been drawn to para 4 of the appellate authority's order dated 24.4.2001 in which it has been stated, inter alia, that "the request of the appellant for grant of personal hearing has been considered, it has not been found necessary because the penalty has been imposed after taking into account all evidence.....". It is seen from the aforesaid judgement of the Chandigarh Bench of the Tribunal that ^{YB} a similar order passed by the appellate authority in that case has been pointed out to be violative of the principles of natural justice.

4. We note that the relevant facts and issues raised in Aman Singh's case (supra) and in the present case, in particular with regard to the observations made by Chandigarh Bench of the Tribunal on the denial of personal hearing to the applicant by the appellate authority are the same.

5. Shri M.K. Gupta, learned counsel for the applicant has submitted that he has not pressed any other points ^{now} except the contention that in the present case also, like in Aman Singh's case (supra), the

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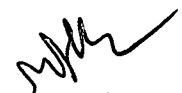
(16)

applicant had not been given a personal hearing by the appellate authority. In the circumstances, we are not expressing any view on the other points as raised in the present OA.

6. In the facts and circumstances of the case, we, therefore, dispose of the present application by a similar order as has been granted by the Chandigarh Bench of the Tribunal in Aman Singh's case (supra) as follows:-

The appellate authority's order dated 24.4.2001 is quashed and set aside. The case is remitted to the appellate authority to dispose of the appeal of the applicant dated 14.8.2000 in accordance with law and after affording an opportunity to the applicant for personal hearing. This shall be done within three months from the date of receipt of a copy of this order with intimation to the applicant.

No order as to costs.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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