

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2519/96

New Delhi this the 5th day of May 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Shri Gangadhar Singh
S/o Shri Ram Yaghya Singh
R/o WP-115-C, Pitam Pura,
Delhi-34.

...Applicant
(By Advocate: Shri Arun Bhardwaj)

Versus

1. Union of India
through Secretary,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi.
2. Director,
National Bio Fertilizer Development Centre,
C.G.O. Complex-II,
204B Wing, Kamla Nehru Nagar,
Ghaziabad-201002 (U.P.)
3. Regional Director
Regional Bio Fertilizer Development Centre,
34-II, Main Road,
Hebbal, Bangalore-560024.
4. Dr. P. Bhattacharya,
Regional Bio Fertilizer Development Centre,
VCA Complex, Civil Lines,
Bangalore.

..Respondents
(By Advocate: Shri K.C.D. Gangwani)

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

This application has been filed by the applicant impugning the removal order passed by the respondents dated 6.11.95. The aforesaid order had been passed by the respondents after holding a departmental enquiry under Rule-14 of the CCS (CCA) Rules, 1965.

2. At the outset, Shri K.C.D. Gangwani learned counsel for the respondents has raised a preliminary objection that this application is not maintainable in the Principal Bench as we do not have territorial jurisdiction in the matter. Shri Arun Bhardwaj, learned counsel for the applicant has on the other hand

submitted that the applicant who had been removed from service by the aforesaid impugned order dated 6.11.95 is thereafter staying in Pitampura at the address given in the Memo of parties and the Verification. The respondents have not placed any document on record to refute the above statement made by the learned counsel for the applicant. Having regard to the provisions of the Section-19 of the Administrative Tribunals Act 1985 read with Rule-6(2) of the Central Administrative Tribunal (Procedure) Rules, 1987, as the applicant has stated that he is living in Delhi after his removal from service, we reject the preliminary objection raised by the respondents on the ground of jurisdiction of the Principal Bench.

3. In view of the above, we have heard the learned counsel for the parties and perused the pleadings.

4. The applicant has submitted that against the removal order passed by the respondents dated 6.11.95 he has filed a representation, both against the Enquiry report dated 6.9.95 and the removal order to the Regional Director/ Respondent No.2 on 18.12.95 (Annexure A-32). In Para-6 of the OA, the applicant has referred to this representation and he has also submitted that a reminder has also sent to Respondent No.2 about this representation/appeal on 9.2.96 but he has not received any reply and hence the OA. Shri K.C.D. Gangwani, learned counsel for the respondents has not been able to show any document and none is placed on record by the respondents to show if the aforesaid representation/appeal submitted by the applicant on 18.12.95 has been considered and disposed of by the respondents, in accordance with the relevant rules and instructions.

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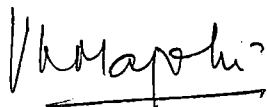
5. Shri Arun Bhardwaj, learned counsel for the applicant has contended that from the documents placed by the respondents themselves at pages 89 to 109 of the paper book, it can be seen that the applicant has been denied a reasonable opportunity to defend his case as he has been denied the opportunity to cross examine the witnesses. He has contended that in most of the times when the witnesses were examined by the Enquiry Officer in the departmental enquiry, the applicant was kept outside and thereafter when he was given their statements he has stated in the documents that the submissions made by the witnesses are in-correct. He has submitted that none of these statements/documents recorded by the Enquiry Officer have also been signed by the Enquiry Officer, which is the procedure to be followed in such matters under the CCS (CCA) Rules, 1965. He has also submitted that it is evident from the records that the applicant has not been afforded any opportunity to cross examine the witnesses who had appeared in the departmental enquiry filed against him and thus there has been a violation of the principles of natural justice. He has submitted that one of the witness had deposed in a language (perhaps Kannada) which he does not follow. Shri Arun Bhardwaj, learned counsel has submitted that in the aforesaid appeal filed by the applicant to the competent authority i.e. Respondent No.2 these points have been taken but no reply has been given to him. These points have also been taken in the present OA, including in the rejoinder. It is not disputed by the respondents that the aforesaid appeal filed by the applicant is still pending with them.

(12)

6. In the above facts and circumstances of the case, the OA is disposed of with the following directions:~

The respondents to consider and dispose of the appeal/representation of the applicant dated 18.12.95, together with the grounds taken by him in the present OA, in accordance with the relevant rules and instructions. They shall do so by a reasoned and speaking order. In the circumstances, the applicant may also be given a reasonable opportunity for a personal hearing by the competent authority before the final order is passed, after giving him a show cause notice to appear. The final order passed by the respondents shall be communicated to the applicant as expeditiously as possible, and in any case within three months from the date of receipt of a copy of this order.

No order as to costs.



(V.K. MAJOTRA)
MEMBER (A)



(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

cc.