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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.1233 of 1988.

Ram PrasadApplicant.

Versus

Union of India.&.others.....Respondents.

Hon'ble Mr.Justice S.K.Dhaon,V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice S.K.Dhaon,V.C.)

The applicant was removed from service. He preferred an appeal which was dismissed. He instituted a suit No.774 of 1982 in the Court of Munsif, Jhansi praying that it may be declared that the order of removal is void and illegal and the suit was transferred under section 29 of the Administrative Tribunals Act and was re-numbered as T.A.No.765 of 1986. The tribunal came into existence in the year 1985. The tribunal disposed of the application and directed the appellate authority to reconsider the appeal and pass a speaking order after giving personal hearing to the applicant. Vide its order dated 27.8.87, the appellate authority purported to have disposed of this appeal. This order is impugned in the present application.

2. The Appellate Authority has taken a curious view. Without applying its mind to the merit of the case and utter dis-regard to the directions given by this tribunal, it directed that the applicant should be given a fresh appointment. It was not the duty of the appellate authority while disposing of the appeal and recording the finding that the order passed is sustainable. It also exceeded the jurisdiction in giving direction that the applicant should be given re-employment.

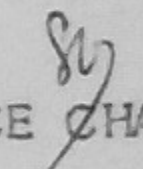
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We observe that the appellate authority failed to perform its statutory duty and acted in utter disregard of the directions given by this tribunal and the order, therefore, cannot be sustained. The application succeeds and is allowed. The order dated 27.8.87 is quashed and the appellate authority shall now rehear the appeal on merit and will dispose of the same in accordance with law and in accordance with the directions given by this tribunal.

3. We are informed that the applicant has been given a fresh employment and he is in service on the basis of employment given to him. Having regard to the peculiar circumstances of the case, we direct that the applicant shall be permitted to continue in service till the disposal of the appeal. In case, the appeal is dismissed on merit, the applicant will remain to continue in service. With these observations, we dispose of the application. There shall be no order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED : NOVEMBER 26, 1992

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