

Shri Khushalbhai Atmaram Rathod,
Section Supervisor,
Kapadia's Chawl,
Opposite Anil Starch,
Ahmedabad.

.. Petitioner

Versus

1. Union of India
Notice to be served on
Secretary, Ministry of
Telecommunication,
Sanchar Bhavan, New Delhi.
2. Shri H.P.Wagle,
and/or his successor-in-office,
General Manager (Telecommunications)
Gujarat Circle,
Ambica Chambers,
Ahmedabad.
- (3) Shri N.K.Mangla,
and/or his successor in-office,
Director Telecommunications,
Air Lines Building, Lal Darwaja,
Khanpur, Ahmedabad.
- (4) Shri S.C.Kakkar,
and/or his successor-in-office,
Deputy General Manager (Adm.)
Office of General Manager,
Telecommunications,
Gujarat Circle,
Ahmedabad.

.. Respondents

ORAL ORDER

9/12/1988

Per: Hon'ble Mr. P.H. Trivedi : Vice Chairman

Heard Mr.S.D.Shah and Mr.J.D.Ajmera learned advocates for the applicant and the respondents. In view of the fact that the petitioner has voluntarily refunded the amount and that there is no record to show that the respondent authorities had any material on the basis of which they suspected that the petitioner had committed any fraud, this is a fit case in which it should be remitted to the appellate authority to examine the facts and the circumstances and to satisfy himself whether the alternative possibility that the petitioner has acted bonafide should not be given due consideration for either expunging or modifying the remarks. If the respondents have any material on the basis of which they

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can suspect or their claim that the petitioner had committed fraud, the action for the respondent authorities by voluntarily refunding the amount to preempt any punitive action, the recording remarks is justified. A speaking order would disclose the grounds of claiming such a communication. It is therefore directed that the case be remitted to the appellate authority who after giving an opportunity to the petitioner to be heard and also to file any representation he may like to make in this regard and after giving due notice of the material on the basis of which they have any ground to base their suspicion that the petitioner was induced to refund the amount, may pass speaking orders giving reasons of their communications within six months of the date of this order. With this observation and direction the case is disposed of.

P.H. Trivedi
(P.H. Trivedi)
Vice Chairman

a.a.bhatt