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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR

Contempt Petition No. 11 of 1988
in
Original Application No.501 of 1987

Avinash Pratap Lele,
R/o Plot No.27,
Patel Layout,
Copal Nagar,
Nagpur.

.. Applicant

V/s.

1. Union of India
through Secretary,
Ministry of Defence,
New Delhi.
2. Secretary of Ordnance Factory Board
(DPS/NI&NG) 10-A, Auckland Road,
Calcutta-1.
3. General Manager,
Ordnance Factory,
Ambazari,
Nagpur.

.. Respondents

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri P.S.Chaudhuri

Tribunal's Order:

Dated: 3.11.1988

PER: Shri M.B.Mujumdar, Member(J)

Heard Shri Y.B.Phadnis, learned advocate for the applicant and Shri S.V.Natur, learned advocate for respondents. On the request of advocates for both the sides, the case is taken on Board today.

2. By the judgment delivered on 7.10.1987 in Original Application No.501 of 1987 was partly allowed and the Appellate Authority was directed to decide the appeal filed by the applicant on 27.3.1987 within a period of four months from that date. It was pointed out that while deciding the appeal the Appellate Authority should give an opportunity to the applicant of being heard and

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the Appellate Authority should pass a speaking order so as to cover all the points that had been raised in the appeal memo.

3. By letter dated 14.3.1988 from the Deputy General Manager/Administration for General Manager which is ~~at~~ Annexure-3 to the Contempt Petition, the applicant was informed that the Appellate Authority would grant personal hearing to the applicant at 10.30 a.m. on 24.3.1988 at Ordnance Factory Board, Calcutta. Accordingly, the applicant was asked to appear before the Appellate Authority on that date and time. The applicant by his letter dated 17.3.1988 informed that he was out of employment and it would be difficult for him to attend hearing at Calcutta at his cost. Hence he requested that he should be granted hearing at Ordnance Factory, Ambazari, Nagpur. His request, however, was not granted by the Appellate Authority and his decision to that effect was conveyed to the applicant by letter dated 4.5.1988.

4. In the mean ~~while~~^{time}, the respondents had filed Misc.Petition No.70 of 1988 for extension of time for deciding the appeal. By Order passed on 8.2.1988, the period for deciding the appeal was granted upto 7.4.1988.

5. On 10.8.1988, the applicant had filed Contempt Petition No.11 of 1988 for taking action against the respondents for contempt of Court for not deciding the appeal in time.

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6. Today Shri Natu stated that it would not be possible for the Appellate Authority to ^{come to} Nagpur for giving personal hearing to the applicant in respect of appeal preferred by him. Shri Natu stated that the Appellate Authority does not come to Nagpur. In view of this statement we cannot force the Appellate Authority to give the personal hearing to the applicant at Ordnance Factory, Ambazari, Nagpur as prayed for by him.

7. Shri Phadnis then stated that it would be impossible for the applicant to go to Calcutta for making his submissions in respect of the appeal preferred by him. Shri Phadnis further stated that the Appellate Authority be asked to decide the appeal on merits without hearing the applicant personally. We ^{have} asked Shri Phadnis to send a letter to the Appellate Authority accordingly for the purpose of his record.

8. In view of the above position, we do not think that we should proceed with the Contempt Petition filed by the applicant. It is desirable that we should extend the period for deciding the appeal.

9. With this we pass the following order.

ORDER

- i) The Appellate Authority should dispose of ^{the} appeal preferred by the applicant, as far as possible before 31.12.1988.
- ii) As stated on behalf of applicant before us the Appellate Authority may decide the

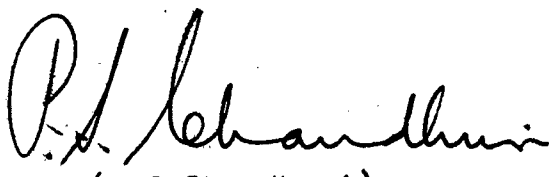
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appeal without giving a personal hearing to the applicant.

- iii) The applicant shall also send a letter to the Appellate Authority for deciding the appeal without giving personal hearing to him, immediately.
- iv) A copy of this order be sent to the respondent immediately.

Contempt Petition No.11 of 1988 is disposed of with no order as to costs



(P.S. Chaudhuri)
Member (A)


(M.B. Mujumdar)
Member (J)