

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.
CIRCUIT Sittings AT NAGPUR, NAGPUR.

Original Application No.299/87.

Shri R.R.Awasthi,
Ex-Wireman,
R/o.Awasthi Bhawan,
Civil Lines,
Gondia,
Dist. Bhandara.

... Applicant.

V/s.

1. The General Manager,
Ordnance Factory,
Bhandara,
2. Director General,
Ordnance Factories Ordnance Factory,
Board, 10-A, Auckland Road,
Calcutta.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri P.Srinivasan.

Oral Judgment :

(Per Shri B.C.Gadgil, Vice-Chairman) Dated: 21.6.1988

The applicant was serving as a Wireman in the Ordnance Factory at Bhandara. A departmental inquiry was held against him on certain charges that were framed. The Enquiry Officer submitted his report. On that basis the disciplinary authority viz. The General Manager, Ordnance Factory, Bhandara passed the impugned order dt. 25.2.1986 removing the applicant from service. The applicant preferred an appeal to the Director General, Ordnance Factory, Calcutta. The appellate authority dismissed the appeal on 30.1.1987 by an order which appears at Annexure IX to the application. It is these orders that are being challenged before us.

2. The disciplinary authority has recorded a finding against the applicant on the ground that the applicant has admitted his guilt during the course of enquiry. The contention of the applicant is that he has not given any such admission. Secondly, he urges that the quantum of penalty is disproportionate to the nature of mis-conduct. These contentions were urged in the appeal memo. However, the order of the appellate authority is silent inasmuch as

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it is very cryptic and it does not give any reasons for dismissing the appeal after rejecting these contentions.

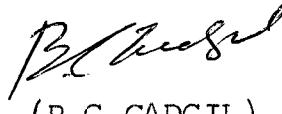
3. The Supreme Court had occasion to consider such type of appellate order in the case of Ramchander V/s. Union of India reported in A.T.R. 1986 (2) 252. The Supreme Court held that a decision in appeal would be bad, if no reasonable opportunity was given to the appellant of being heard and/or also if the appellate order is not a speaking order. In the above mentioned case, the Supreme Court remanded the appeal to the appellate authority for deciding it in an appropriate manner. Following the above mentioned decision of the Supreme Court, we pass the following orders:

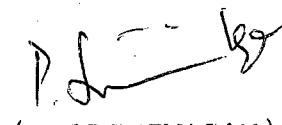
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30.1.1987

Amended as per
order dt. 9.9.88
in M.P.No.15/88.

1. The appellate order dt. 25-2-1986 is set aside and the appeal filed by the applicant is remanded to the appellate authority viz. Director General, Ordnance Factory, Calcutta for a fresh decision after giving an opportunity to the applicant of being heard in the matter. It is needless to say that the appellate authority should pass a speaking order as covering all the points that are raised in the appeal memo as well as those that might be raised before him.
2. We further direct that the respondents should pay to the applicant the T.A. if the applicant's appeal is heard at a place other than Bhandara.
3. This order should be complied as expeditiously as possible say within a period of 4 months from today.
4. Parties to bear their own costs.


(B.C.GADGIL)
VICE-CHAIRMAN


(P.SRINIVASAN)
MEMBER(A).