

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

O.A.No. 371

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DATE OF DECISION 27-7-1987

Sri Bhagirath Patel. Applicant/s.

Sri S.Natarajan, Advocate for the Applicant/s.

Versus

Union of India & ors. Respondent/s.

Sri S.Natarajan Advocate for the Respondent(s).

CORAM:

The Hon'ble Vice Chairman, Shri B.C.Gadgil
The Hon'ble Member(A), Shri L.H.A. Rego

1. Whether Reporters of local newspapers may be allowed to see the Judgment? — Yes
2. To be referred to the Reporter or not ? — No
3. Whether to be circulated to all Benches? — No

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH: NEW BOMBAY

ORIGINAL APPLICATION NO.371 OF 1987

Shri Bhagirath Patel,
C/o S.Natarajan,
Advocate High Court,
No.2, Kiran,
Velmuruga Society, Chedda Nagar,
Bombay-400 089.

Applicant.

-vs.-

Union of India
through General Manager,
Western Railway, Churchgate,
Bombay-20.

2. Chief Commercial Superintendent
Western Railway, Churchgate,
Bombay-20.

3. The Divisional Railway Manager
Western Railway, Ratlam.

4. The Senior Divisional Commercial
Superintendent,
Western Railway, Ratlam.

Respondents.

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil
Hon'ble Member(A) Shri L.H.A.Rego.

Appearance: Mr.S.Natarajan, Advocate for the
Applicant.

ORAL JUDGMENT:

(Per Vice-Chairman Shri B.C.Gadgil) Dated:27-7-1987.

1. The applicant, who is a Railway employee, has filed this application challenging an order passed in a departmental enquiry. By that order, he was reverted to the lower grade of Rs.260-430 on pay of Rs.324/- basic per month for a period of three years with future effect. His appeal ^{and} ~~of~~ revision proved fruitless.

2. We have issued notice for admission to the respondents. The said notice was served on respondent-2. However, none appeared for the respondents. It is not

B.C.G.

necessary

necessary to keep this matter pending as some directions to the appellate authority are needed. The order passed by the appellate authority is at page 76 of the compilation vide Exhibit 'N'. This appellate order is dated 12-8-1985 informing the applicant that after carefully examining the entire case, the appellate authority has not found sufficient reasons to reduce the punishment. A similar laconic order was passed by a Revision authority vide page 83 of the compilation vide Exhibit 'P'.

3. The main grievance of Shri S.Natarajan is, that in view of the decision of the Supreme Court in Ram Chander's case, it was necessary for the appellate authority to give an opportunity to the applicant of being heard and then pass a speaking order. The Supreme Court, in the above mentioned case, reported in AIR 1986(2) S.C. 252, has held, that a personal hearing and a speaking order by the appellate authority is necessary. In view of this legal position, we remand the appeal dated 30-4-1985 to the appellate authority i.e, the Divisional Manager, Railways at Ratlam, for a fresh hearing and decision. The appellate authority is directed that he should give an opportunity of personal hearing to the applicant and decide the matter within a period of three months from the date of receipt of this order. The appellate order should be a speaking one, giving cogent reasons for the decision. It is needless to say, that the appellate authority can decide the case, ex parte, in case the applicant does not choose to remain present before the appellate authority at the time of the hearing.

4. With



4. With these directions, this application
is disposed of.

B.C. Gadgil
(B.C. GADGIL)
VICE CHAIRMAN.

L.H.A. Rego 27.7.1987
(L.H.A. REGO)
MEMBER(A)

Mr. Iyer/kms: