

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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 NEW BOMBAY BENCH,
NEW BOMBAY.

O.A. No. 551 1987
 T.A. No.

DATE OF DECISION 3.11.1987

Shri N.T.Kharatmal, Petitioner

Shri C.Nathan Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent

Mr.J.D.Desai(for Mr.M.I.Sethna) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Gadgil, Vice-Chairman,

The Hon'ble Mr. B.C.Mathur, Vice-Chairman.

1. Whether Reporters of local papers may be allowed to see the Judgement? — 4th
2. To be referred to the Reporter or not? — NO
3. Whether their Lordships wish to see the fair copy of the Judgement? — NO
4. Whether it needs to be circulated to other Benches of the Tribunal? — NO

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

Original Application No.551/87.

Shri Narasinha Tuljaram Kharatmal,
130/2481 Samta Nagar,
Behind M & M Company,
Kandivali (E),
Bombay-400 101.

...Applicant

V/s.

The Senior Superintendent of R.M.S.,
Bombay Sorting Division,
Baroda Bank Building,
Bombay.400 001 and 2 others

...Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Vice-Chairman, Shri B.C.Mathur.

Oral Judgment:

(Per Shri B.C.Gadgil, Vice-Chairman). Dated: 3.11.1987.

This application is fixed for admission today.

The application can be decided on a short question and hence we admit the application. Mr.J.D.Desai (for Mr.M.I.Sethna) for the respondents waives service of notice.


2. A departmental inquiry was held against the applicant who is a postal employee. By an order dt. 19.4.1983 the disciplinary authority held the applicant guilty of mis-conduct and imposed a penalty of reducing his pay to the minimum in the time scale of pay Rs.260-480 for a period of 2 years with immediate effect. There are also further disempowering directions based upon in this reduction of pay. The applicant preferred an appeal against the said decision. The appellate authority viz. The Director of Postal Services, Bombay Region, Bombay dismissed the appeal on 29th August, 1986 vide Ex.'F' of the application. It is true that the said appellate order has given some reasons for dismissing the appeal. However, it is not disputed that a personal hearing was not given before deciding the appeal. This lacuna vitiates

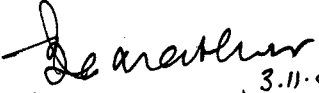
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the appellate order. The Supreme Court has held so in the case of Shri Ram Chander v. Union of India & Others reported in A.T.R. 1986(2) S.C. 252. Similarly the full Bench of this Tribunal has considered the aspect and has held that ordinarily in such cases the appeal has to be remanded to the appellate authority with necessary directions.

3. Following the decision of the Supreme Court and the full Bench of the Tribunal, we remand the appeal dated 31st May, 1983 to the Appellate Authority viz. The Director of Postal Services, Bombay Region, Bombay for decision after giving a liberty to the applicant of being heard. It is needless to say that the appellate authority would pass a speaking order while deciding the appeal. All this should be done within a period of 4 months from today. With these directions the application is disposed of, with no order as to costs.


(B.C. GADGIL)
VICE - CHAIRMAN


(B.C. MATHUR) 3.11.87
VICE - CHAIRMAN