

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 420/87

199

T.A. NO: ---

DATE OF DECISION 6-2-1992

Ambaram Bherulal Masih

Petitioner

Mr. H. J. Acharya

Advocate for the Petitioners

o Versus

GM, Central Railway, Bombay V.T. Respondent

Mr. G. K. Nilkanth

Advocate for the Respondent(s)

CORAM:

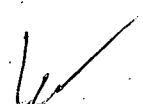
The Hon'ble Mr. Justice U.C.Srivatava ,Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm*

MD


(U.C.SRIVASTAVA)

(6)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.420/87

Ambaram Bherulal Masih,
Railway Quarters,
D-564, Kalsawadi,
Dalyan East,
Dist. Thane.

.. Applicant

vs.

The General Manager,
Central Railway,
Bombay V.T.,
Bombay - 400 001.

.. Respondent

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice- Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.H.J.Acharya
Advocate for the
Applicant.
2. Mr.G.K.Nilkanth
Advocate for the
Respondent.

ORAL JUDGMENT:

Date: 6-2-1992

(Per U.C.Srivastava, Vice-Chairman)

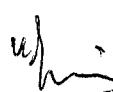
The applicant was awarded major penalty of reduction in the time scale of Rs.425-700(RS) old grade to Rs.380-560(RS) for a period of one year from 1st May,1987. The applicant filed an appeal against this penalty. The appeal was decided by an authority who is not competent to do so and the appeal was dismissed. Thereafter the applicant approached the Tribunal challenging the entire proceedings as well as the appellate order. The Tribunal found that the appellate order was not passed by the competent authority and further it was not a reasoned and speaking order. Accordingly the Tribunal allowed the original application and directed that the appeal preferred by the applicant should be decided afresh by the competent appellate authority after giving a personal hearing to the applicant and on

W/

merits and by passing a reasoned and speaking order according to the law and it should be passed as far as possible by 30th April, 1987.

2. After the appeal was decided by the Chief Medical Superintendent, Byculla who was the competent authority, ^{he} gave hearing to the applicant but he did not abide by the directions given by this Tribunal as it is evident from the order. He has not passed any reasoned speaking order except that he agreed with the findings which has been recorded by the Inquiry Officer and by way of leniency he has reduced the ~~px~~ punishment after taking into consideration the past record. The Appellate Authority has thus not decided the appeal in accordance with the directions given by this Tribunal. We would have taken action against the officer suo-moto but we have been informed that he is no longer there and has been succeeded by some other officer.

3. Accordingly this application deserves to be allowed and the appellate order is quashed and the competent authority is directed to dispose of the appeal within one month from the date of communication of this order after giving the applicant a personal hearing. The appeal shall be decided on merits and a reasoned/speaking order, after taking into consideration all the ~~pleas~~ of the applicant, shall be passed. The application is disposed of accordingly with no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman

6/2/92
Order/Judgment Dispatched
to Applicant/Respondent(s)
DD 12/5/92

13/3/92

M.P. No. 431/92 for
orders fixed on
19/6/92

18/6/92

19/6/92
MP No. 431/92 in OA
4/6/87

Sh. G. K. Milkenth ~~was~~ ^{was} counsel for
the petitioners in MP (Respondents in
OA).

Original Applicant through, L. H. J.
Aherayya, counsel.

The present MP is for seeking
extension of time, for complying with
the directions in the judgement dt.
6.2.92. The same is opposed by the
learned counsel ^{for} the original applicant,
who seeks two weeks' time to file
reply to the same. Time prayed for
is allowed. A copy of the same be
furnished to the other side and the
MP be listed before the court on
9.7.92.

^{for}
(Usha Savara) (T. S. Oberoi)
MC) MC)

Dated: 9.7.92

(9)

Mr. S. Pille for the applicant.

Mr. G. K. Nikant for the respondents.

The applicant says, One month and no more allowed to the respondents to comply with the order dated 6.2.92. The applicants' appeal shall be disposed of within the said period with a speaking order and in accordance with law.

9/7/92

Scratched
Respondent(s)

25/7/92

S
W/M

b. Low and
(USHA SAWARI) grey
M/A (S.K. DHAON)
VTC

Seen & Ready
for distribution

m