

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 541/87

199

~~XXX~~

DATE OF DECISION 22.9.92

Shri Dilip Prabhakar Vaidya Petitioner

Applicant in person Advocate for the Petitioners

Versus

The Telecom, District Engineer Respondent

Sangli.

The Assistant Engineer Trunks

Sangli.

Shri P.M. Pradhan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon, 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 ?

NO

By
(S.K.DHAON)
VICE CHAIRMAN

mbm*

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 541/87

Shri Dilip Prabhakar Vaidya

... Applicant

V/s.

The Telecom, District Engineer,
Sangli.

The Assistant Engineer Trunks,
Sangli.

... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman

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

Appearance:

Applicant in person.

Shri P.M. Pradhan, counsel
for the respondents.

ORAL JUDGEMENT:

Dated: 22.9.92

¶ Per Shri S.K. Dhaon, Vice Chairman ¶

The Assistant Engineer Trunk, Telephone Exchange, Sangali on 20.12.84 passed an order giving a minor punishment to the applicant, punishment being that the next annual increment of the applicant was withheld for a period of three years. Feeling aggrieved he preferred an appeal which has been disposed of by the order dated 15.4.86 passed by the Divisional Engineer Telegraph. The two orders are being impugned in the present application.

The appellate authority in its order has made a reference that some statement of Shri Koli, J.E. Carrier, Shri Patil, J.E. Trunks and Shri Wagh, T.O. However ✓ we make a note that ⁱⁿ the order of the punishing authority reliance has not been placed upon the statement of the said witnesses. The grievance of the applicant is that the appellate authority relied upon the said statement, without giving him an opportunity of meeting the said statement. The complaint appears to be correct.

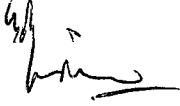
(4)

The original record is before us and nothing has been shown to us from the record in the case, that the attention of the applicant was ever drawn to the aforesaid three statements either by the original authority or by the appellate authority. Admittedly, since a minor punishment was to be given to the applicant, a regular enquiry as contemplated under Rule 15 of the CCA Rules was not held.

There can be no getting away from the fact that the appellate authority was considerably influenced by the aforesaid three statements of the aforesaid three officers. Having considered the matter carefully, we are of the opinion that the appellate order should not be sustained.

This application succeeds in part. The appellate order is quashed. Appellate authority shall dispose of the appeal afresh on merits and in accordance with law.

There shall be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(S.K. DHAON)
VICE CHAIRMAN

NS/