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CAT/J/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 285/88

~~Ex Ar xx No x~~

198

DATE OF DECISION 27-2-1991

Eknath R.Chawan Petitioner

Mr.L.M.Nerlekar Advocate for the Petitioner(s)

Versus

Divisional Railway Manager, C.R., Respondent

Bombay V.T.


Mr.R.K.Shetty Advocate for the Respondent(s)

## CORAM

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

The Hon'ble Mr. P.S.Chaudhuri, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
  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 ?
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(P.S. CHAUDHURI)  
M(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.285/88

Eknath R.Chawan,  
Central Railway Chawl  
No.111/307,  
G.P.Road, Mazgaon,  
Bombay - 400 010.

.. Applicant

vs.

Divisional Railway Manager,  
Central Railway,  
Bombay V.T.

.. Respondent

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

Hon'ble Shri P.S.Chaudhuri, Member(A)

Appearances:

1. Mr.L.M.Nerlekar  
Advocate for the  
Applicant.
2. Mr.R.K.Shetty  
Advocate for the  
Respondent.

ORAL JUDGMENT:

Date: 27-2-1991

(Per. P.S.Chaudhuri, Member (A))

This application under Section 19 of the Administrative Tribunals Act was filed on 13-4-1988. In it the applicant who was working as a Khalasi under Loco Foreman, Kalyan, Central Railway is challenging the order dated 2-6-1987 by which he is removed from service and the Appellate order in this regard dtd. 8-3-1988.

2. The respondents have opposed the application by filing their written statement. We have heard Mr.L.M.Nerlekar, learned counsel for the applicant and Mr.R.K.Shetty, learned counsel for the respondent.

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3. It was Mr.Nerlekar's case that the chargesheet served on the applicant suffers from several infirmities inasmuch as it is not clear and the list of witnesses has not been indicated. He further submits that his request for supply of documents was not acceded to. He also submits that the enquiry is vitiated inasmuch as the applicant was examined before the prosecuting witnesses had been examined. He further submits that the Appellate Authority should have given a personal hearing to the applicant before passing his appellate order and relied on Ram Chander v. Union of India - ATR 1986(2) SC 252.

4. In view of the order which we propose to pass in this case it is not necessary for us to go into the various submissions made by Mr.Nerlekar.

5. To begin with the appellate order itself is a non-speaking order and so we are unable to ascertain on what facts it has been passed. Further it is defective inasmuch as the applicant did not have an opportunity to be heard.

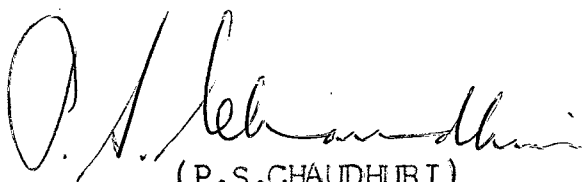
6. Against this background, we are of the opinion that the application deserves to succeed partially.

(13) (14)

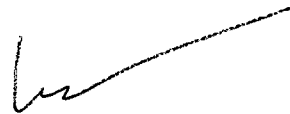
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7. We direct that the appellate order be quashed. It will be open to the appellate authority to reconsider the appeal and pass orders thereon within three months from the date of receipt of a copy of this order. If the applicant continues to be aggrieved after the appellate order he is at liberty to approach this Tribunal afresh in the matter.

8. In the circumstances of the case there will be no order as to costs.



(P.S. CHAUDHURI)  
Member(A)



(U.C. SRIVASTAVA)  
Vice-Chairman