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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI  
NEW BOMBAY BENCH

O.A. No. 521/88      x x x  
~~Ex x x No.~~

DATE OF DECISION 22.9.1988

Shri D.N.Randive,      Petitioner

Shri V.K.Pradhan.      Advocate for the Petitioner(s)

Versus

Sr. Superintendent of Post Offices & Anr.  
Respondent

-      Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Gadgil, 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? / NO
4. Whether it needs to be circulated to other Benches of the Tribunal?

*Am*

(4)

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

Original Application No. 521/88.

Shri D.N. Randive,  
At post Tungat,  
Tq. Pandharpur.

... Applicant

V/s.

1. Senior Superintendent of Post  
Offices, Solapur Division,  
Solapur.
2. Director of Postal Services,  
Pune Region,  
Pune.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil,  
Hon'ble Member(A), Shri P.S. Chaudhuri.

Oral Judgment:

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

Dated: 22.9.1988

Heard Mr. V.K. Pradhan for the applicant. In our opinion, this matter can be disposed of at the admission stage after giving certain directions as mentioned below.

2. The applicant was an Extra Departmental Sub-Post Master. A departmental inquiry was held against him and initially he denied the charges. However, it appears that during the pendency of the inquiry he made another statement accepting the charges. On the basis of that plea the Disciplinary Authority held the charges proved and he was removed from service. The applicant preferred an appeal. The Director of Postal Services, Pune Division, Pune decided the appeal on 26th February, 1988. The appeal was dismissed. The appellate order is at page 12 of the compilation. That appellate order gives some reasons for dismissing the appeal. What is important is that the applicant was not given an opportunity of being personally heard before deciding the appeal. Such hearing was all the more necessary when it is the contention of the applicant that he ~~he~~ pleaded guilty

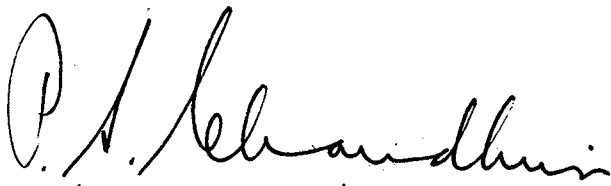
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on an assurance that he would be taken back on duty. The Supreme Court in the case of Ram Chander V. Union of India & Ors. A.T.R. 1986(2) S.C. 252, has held that the Appellate Authority should decide the appeal after giving to the appellant an opportunity of being heard. In addition the appellate authority should pass a speaking order. In our opinion, it would be in the fitness of things if we remand the appeal to the Appellate Authority with the directions as mentioned below.

3. This application is disposed of with a direction that the appeal of the applicant is remanded to the Director of Postal Services, Pune Region, Pune for being heard afresh after giving an opportunity to the applicant of being personally heard in support of the appeal. It is needless to say that the Appellate Authority should pass a speaking order, in the appeal. These directions should be complied expeditiously, say within a period of 3 months from today.

  
(P.S. CHAUDHURI)  
MEMBER (A)

  
(B.C. GADGIL)  
VICE-CHAIRMAN