

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

Tr. Application No. 162/86

Dwarka Prasad P. Sharma,
Ex. Shunting Jamadar,
Ticket No. 5241, of Yard PL,
Goregaon Railway Chawl No. 2/T,
Room No. 5, Goregaon,
Bombay - 400 062.

... Applicant
(Original Petitioner)

V/s.

1. Union of India through
Ministry of Law,
Aayakar Bhavan,
M.K. Road,
New Marine Lines,
Bombay - 400 020.
2. General Manager,
Western Railway,
Churchgate,
Bombay - 400020.
3. Appellate Authority,
Western Railway,
Parel Workshop,
Bombay - 400 012.
4. Additional Chief Mechanical
Engineer,
Western Railway,
Carriage Repair Workshop,
N.M. Joshi Marg,
Lower Parel,
Bombay - 400013.

... Respondents

Coram: Hon'ble Vice-Chairman B.C. Gadgil
Hon'ble Member J.G. Rajadhyaksha

Appearance:

1. Mr. Dharap,
Advocate for
the applicant.

JUDGMENT

Date: 28-11-1986

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

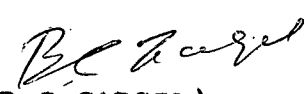
The applicant, who was a railway employ, has been removed from service on 16-4-1984 after holding a departmental inquiry. The applicant preferred an appeal which was decided on 15-1-1985. The appeal was rejected. Subsequent review application was also rejected.

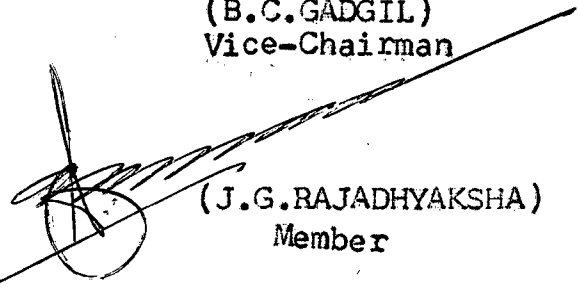
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2. Thus the main grievance of the applicant is that his removal from service is illegal and improper. We have heard Mr.Dharap for the applicant. The respondents are absent. In our opinion it would not be necessary to consider the various points that have been raised by the applicant in the main application. The reason is that the matter is required to be remanded to the Appellate Authority in view of the decision of the Supreme Court in the case of Ramchander V/s. Union of India reported in 1986(2) SLR 608. The appellate order is at page 83 of the compilation. It is a cryptic order and does not conform to the provision of Rule 22(2) of the Railway Servants(Discipline and Appeal)Rules,1968. In these circumstances, it will be in the interest of justice if the appeal filed by the applicant is remanded to the Appellate Authority viz. the Chief Workshop Engineer, Western Railway, Churchgate for deciding it with regard to the directions given below :-

The application is partly allowed. The appellate order on page 83 of the compilation is set aside and the said appeal is remanded for fresh hearing and disposal. The Appellate Authority is directed to give a personal hearing to the applicant. Of course, this does not mean that the appeal cannot be heard ex-parte if the appellant remains absent on the date of hearing. The Appellate Authority is further directed to pass a speaking order dealing with all the points that have been raised in the applicant's appeal memo. The appeal should be decided as expeditiously as possible, say within a period of 4 months from today.

No orders as to costs.


(B.C.GADGIL)
Vice-Chairman


(J.G.RAJADHYAKSHA)
Member