

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

Original Application No.151/86.

Shri P. Ramanujam,
Ex-Turner 'C' Grade,
Quarter No.RA 235/6,
Type 'I' Range Hills Quarters,
Kirkee,
Pune - 20.

... Applicant.

V/s.

1. The General Manager,
Ammunition Factory,
Kirkee.

2. The Director General of
Ordnance Factories,
Calcutta.

... Respondents.

Coram: Vice-Chairman, B.C. Gadgil,
Member(A), J.G. Rajadhyaksha.

Appearances:

Shri N.K. Iyer, Advocate
for the Applicant.

Shri S.R. Atre (for Mr.P.M. Pradhan)
for Respondents.

Oral Judgment:

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

Dated: 17-12-1986.

The applicant was in the service of the Ammunition Factory, Kirkee as a Turner Grade 'C'. A departmental enquiry was held against him on various charges. After completing that enquiry the matter was considered by the disciplinary authority and on 31.12.1985, the said authority imposed a penalty of dismissal from service. The applicant has preferred an appeal against this. The said appeal was decided by the appellate authority viz. The Director General Ammunition Factories on 1st April, 1986. The appeal was dismissed, hence the applicant has filed the present application.

2. We have heard Mr. Iyer for the applicant and Mr. S. R. Atre (for Mr. P. M. Pradhan) for the Respondents. It is not necessary to go into the various submissions or grounds that have been taken up by the applicant inasmuch as, the matter can be decided on a short point.

3. The appellate authority has passed a very cryptic order without giving any personal hearing. The Supreme Court has laid down in the case of Ramchander V/s. Union of India reported in 1986(2)SLR 608 that the appellate order should be a speaking order and the appeal has to be decided after giving an opportunity to the applicant ^{of} having been heard. In view of this position of law, it will not be possible to maintain the appellate order. It is necessary to remand the said appeal to the appellate authority for disposal according to law.

4. Mr. Iyer submitted that he would like to amend the appeal memo. In our opinion, he would be at liberty to make such application to the appellate authority and the said application would ordinarily be allowed, unless the appellate authority finds that there are good reasons for refusing it. The applicant is in possession of the quarter that was allotted to him when he was in service. Another contention of Mr. Iyer is that the applicant may be allowed to retain this quarter for a fortnight after the decision of the appeal. Mr. Atre submitted that the market rent of the quarter would be Rs. 71 per month. Mr. Iyer left the matter to the Tribunal, as regards the rate at which the applicant should pay the rent or compensation for such occupation. The applicant is in arrears to the extent of Rs. ^{90/-} 190 at the old revised rent from April, 1985

to January, 1986. From 1.2.1986 to 31.12.1986, the applicant should pay the compensation at the rate of Rs.50 p.m., thus this amount comes to Rs.550 and total would be Rs.640.00. The said amount of Rs.640.00 should be paid on or before 31.1.1987 and thereafter the applicant should continue to pay the amount at Rs.50 per month.

5. Thus the application partly succeeds. The appeal filed by the applicant (and which has been decided on 1st April, 1986) is remanded to the appellate authority for fresh disposal after bearing in mind the observations and directions in this judgment. The appeal should be decided expeditiously say within a period of 4 months from today. The applicant should pay Rs.640.00 together with the bills for the electricity consumed till 31-12-1986 on or before 31st January, 1987 and should continue to pay Rs.50 p.m. together with monthly electricity charges on the 5th of every succeeding month. If such payment is made the applicant will retain possession of the quarter. However, it is made specifically clear that if there is any default, the applicant is liable to be evicted there for. Parties to bear their own costs of this application.

B.C.Gadgil
(B.C.GADGIL)
VICE-CHAIRMAN

J.G.Rajadhayaksha
(J.G.RAJADHYAKSHA)
MEMBER (A)