

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No.319/86

Shri.M.N.Khobragade,
R/o.Qr.No.18-B/Type-I/Sector IV,
Ordnance Factory,
Chanda (M.S.)

.. Applicant.

v/s

1. The Union of India through the
Ministry of Defence, South Block,
New Delhi.

2. The Director General, Ordnance
Factories, 10-A Auckland Road,
Calcutta-700 001.

3. The General Manager,
Ordnance Factory,
Chanda.

4. Sri V.Padmanabhan,
Officer-in-charge,
Ordnance Factory,
Chanda.

5. The Works Manager (Administration),
Ordnance Factory,
Chanda (M.S.)

6. Sri T.S.Viswanathan, (Enquiry Officer),
Asst.Works Manager,
Ordnance Factory,
Chanda (M.S.)

.. Respondents.

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil.

Hon'ble Member (A) Shri P.Srinivasan.

Appearances

1. Shri T.T.Antony, Advocate
for the applicant.

2. Shri Ramesh Darda, Advocate
for the respondents.

ORAL JUDGEMENT (Per Shri B.C.Gadgil) Dated 11.9.1987.

The applicant who was working as Boiler Attendant in the Ordnance Factory, Chanda has been dismissed from service on 16.5.1985 after holding a departmental enquiry. He preferred an appeal which is decided on 18.2.1986. A copy of the Appellate order is at Annexure XVIII. The applicant has challenged the dismissal order as well as the order rejecting

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his appeal. It is not necessary to consider various contentions that have been raised in this application as the matter can be decided on a short point.

2. As stated above, the appeal is dismissed on 18.2.1986. It is a cryptic order and it appears that no reasonable opportunity was given to the applicant on being heard in person. As laid down by the Supreme Court in the case of Ramchander Vs Union of India reported in A.T.R.1986 (2) Supreme Court 252 such an order is not permissible. The Supreme Court has held that while deciding the appeal, the appellant should be given an opportunity of being heard and that the appellate authority should pass a speaking order.

3. In view of this legal position, it will be necessary to remand the appeal to the appellate authority with the following directions.

4. The appeal dated 17.6.85 filed by the applicant is remanded to the appellate authority namely Director General Ordnance Factory, Calcutta for being heard afresh after giving an opportunity to the applicant of being heard in person. It is, however, needless to say that the appellate authority would be entitled to decide ~~with~~ the appeal without such hearing if the applicant does not avail ^{of} the opportunity of being heard. The appellate authority is directed to decide the appeal by a speaking order so as to cover all the points that would be agitated before him. The appellate authority is directed to decide the appeal expeditiously say before 31.1.1988. With these above directions, the application is disposed of. Parties to bear their own costs.

B.C.Gadgil

(B.C.GADGIL)
VICE-CHAIRMAN

P.Srinivasan

(P.SRINIVASAN)
MEMBER(A)