

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

O.A.No. 330/86

KM:W8

1986

388

DATE OF DECISION 28.10.1986

Shri E.P.Dhaujekar Applicant/s.

- Advocate for the Applicant/s.

Versus

Union of India & Another Respondent/s.

- Advocate for the Respondent(s).

CORAM:

The Hon'ble Vice-chairman B.C.Gadgil
The Hon'ble Member J.G.Rajadhyaksha

1. Whether Reporters of local newspapers may be allowed to see the Judgment? *Y*
2. To be referred to the Reporter or not ? *N*
3. Whether to be circulated to all Benches? *N*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.330/86.

Shri Eknath Pandurang Dhaujekar,
H.No.E 6/98, Ansabhat,
Mapusa - Goa.

.. Applicant

V/s

1. Chief Engineer, Public Works Department, Goa, Daman & Diu
2. Union of India, through Administrator of Goa, Daman & Diu .. Respondents

Coram: Hon'ble Vice-chairman B.C.Gadgil

Hon'ble Member J.G.Rajadhyaksha

Oral Judgment (Per Vice-chairman B.C.Gadgil) Dt.28.10.86.

The applicant, who has been removed from his service as Asstt. Store-keeper in the Public Works Department of the Government of Goa, Daman & Diu, has filed this application challenging the said removal order.

We have heard Mr. Chandar Uday Singh, Advocate for the applicant on the question of whether this is to be admitted or not. It appears that a departmental enquiry was held against the applicant on the charge that he has misappropriated 77 bags of cement and an enquiry officer was appointed. He held the enquiry and as stated earlier the disciplinary authority removed the applicant from service by an order dated 14.1.1986. The applicant, on 24.2.86, has filed an appeal against this. The said appeal has not yet been decided, though six months have elapsed. The question is, whether we should admit this application or direct the appellate authority to decide the appeal in an appropriate manner? We think that the latter alternative could ^{be} in the interest of justice.

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Mr. Singh has raised a number of contentions before us; for example, he submits that the statement of allegations and imputations have not been properly prepared. He also submits that the list of witnesses was not prepared and furnished to the applicant. His another grievance is that the documents which the enquiry officer intended to take into account were not supplied, though the applicant made specific request for such copies. His further contention is that the enquiry was held in such a slipshod manner that it cannot be said that proper enquiry, as contemplated by the rules, was held. It is needless to say that all these arguments are very relevant and in case the applicant proves that his submission is correct, the appellate authority will have to pass an appropriate order after bearing in mind the effect of omissions as contended by the applicant. In our opinion, the appellate authority will have to take into account ^{these} ~~his~~ submissions and to pass an appropriate order if his submissions proved to be correct. There is one more point. While deciding the appeal, the appellant should be given an opportunity of being heard and the appellate order should be a speaking or a reasoned order as contemplated by the decision of the Supreme Court in the case of Ramchander V/s The Union of India reported in 1986 (2) SLR 608.

We, therefore, direct the appellate authority to decide the applicant's appeal as expeditiously as possible, say within a period of three months from

today. It is needless to say that the appellate authority will decide the appeal in the light of the observations made above.

With this observation, the application is disposed of. However, we make it specifically clear that the applicant would be able to agitate the matter before us by a fresh application if any need arises in future.

B.C.Gadgil

(B.C.GADGIL)
Vice-chairman

(J.G.RAJADHYAKSHA)

Member(A)