

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 522/89

Transfer Application No:

DATE OF DECISION: 26.10.1994

Shri Mohmed Rafi Mohmed Hanif Petitioner

Shri S.M.Dharap Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

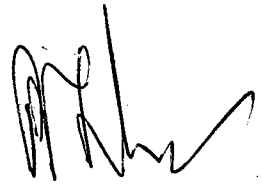
Shri N.K.Srinivasan Advocate for the Respondent(s)


CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 522/89

Shri Mohmed Rafi Mohmed Hanif ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri S.M.Dharap
Advocate
for the Applicant

Shri N.K.Srinivasan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 26.10.1994

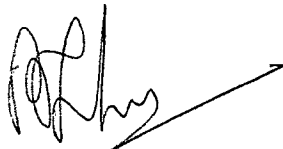
(PER: M.S.Deshpande, Vice Chairman)

The applicant by this application challenges the finding of guilty recorded against him for not sweeping the premises properly and for remaining absent without leave.

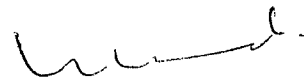
2. The applicant was appointed as a Substitute Bungalow Peon on 11.5.1988 and was ultimately posted as substitute Hamal on 23.9.1988 at Parel. A charge-sheet was given to him containing the aforesaid charges on 2.10.1988. The allegations being that he was guilty of not obeying the orders of his superiors by not cleaning the premises allotted to him. The enquiry officer found that the applicant was absent unauthorisedly for 1½ days and was guilty of the charges against him. The disciplinary authority imposed the punishment of removal on the applicant. The applicant filed an appeal on 25.2.1989 and the appellate authority dismissed the appeal on 10.6.1989.

3. The only point urged by Shri Dharap, learned counsel for the applicant is that the applicant was not given a personal hearing before his appeal was disposed of. As this was necessary in view of the observation in Ram Chander vs. Union of India & Ors. A.I.R. 1986 SC 1173, we find that the applicant must succeed on this point.

4. In the result, we set aside the order dated 12.1.1989 and the order dated 10.6.1989 dismissing the appeal and direct the respondents to decide the appeal after giving a personal hearing to the applicant within two months from the date of receipt of a copy of this order.



(P.P.SRIVASTAVA)
MEMBER (A)



(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.