

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 103/89

198

~~Tax No.~~

DATE OF DECISION 7.10.1991

P.S. Sonkamble

Petitioner

Mr. K.R. Jadhav

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. P.R. Pai

Advocate for the Respondent(s)


CORAM :

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000


(U.C. Srivastava)
V/C

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
* * * * *

Original Application No.103/89

P.S.Sonkamble,
R/o Mahendra Singh Chawl,
Water-supply Gate,
Ulhasnagar-4,
Dist. Thane.

... Applicant

V/s

1. Union of India, through
the Secretary,
Ministry of Transport,
Department of Railways,
New Delhi.
2. Divisional Railway Manager,
Central Railway, Bombay V.T.
3. The General Manager,
Central Railway,
Bombay V.T.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. K.R.Jadhav, Advocate
for the applicant and
Mr. P.R.Pai, Advocate
for the respondents.


ORAL JUDGEMENT:


Dated : 7.10.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant who was employed as Senior Asstt. Coaching Clerk at Dombivali Central Railway Station was charge sheeted and an enquiry against him was proceeded. The applicant was removed from service. The applicant filed an appeal against the same and the appeal was also dismissed. Thereafter the applicant came before the Tribunal challenging the order. Before the Tribunal on behalf of the applicant a statement was given that the applicant would not like that the matter should go back before the disciplinary authority. As such the applicant will not rely on the Full Bench decision in F.K.Sharma's case. As such the application is disposed of on merits.

The application was allowed and the appellate order was quashed and the matter was sent to the appellate authority in the form of an appeal to pass a speaking order. The appellate authority has passed an order said to be a speaking order. We have gone through the said appellate order but the appellate order is nothing but as a sham of a speaking order. The applicant raised various grievances including that he was not given reasonable opportunity to defend his case and that without having given any opportunity Rs.100/- was deducted from the subsistence allowance and that he was not allowed to inspect the documents including the railway ticket. This plea was raised by him during the course of first enquiry and second enquiry and it demands that the rules in this behalf were not complied with. The appellate authority has not dealt with all these questions although he specifically raised in the enquiries and appeal. Accordingly we have no option but again to allow this application and quash the order passed by the appellate authority dated 6.7.88. The appellate authority is directed to reconsider the appeal and pass a speaking order in respect of the pleas raised by the applicant. In case the appellate authority comes to the conclusion that reasonable opportunity was not given to the applicant the appellate authority may pass a consequential order including that of a fresh inquiry in the matter in accordance with law. No order as to costs.


(M.Y. Priolkar)
Member (A)


(U.C. Srivastava)
Vice-Chairman