

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 759/89

Transfer Application No:

DATE OF DECISION 31.8.1994

Rajnikant Sopan Petitioner

Shri L.M.Nerlekar Advocate for the Petitioners

Versus

Union of India Respondent

Shri J.G.Sawant.

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri R.Rangarajan, 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 ?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BOMBAY BENCH, BOMBAY.

Original Application No.759/89.

Rajnikant Sopan. .... Applicant.

V/s.

The Divisional Railway Manager,  
Central Railway,  
Bombay V.T. .... Respondent.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,  
Hon'ble Shri R.Rangarajan, Member(A).

APPEARANCES :-

Applicant by Shri L.M.Nerlekar.  
Respondents by Shri J.G.Sawant.

Oral Judgment :-

[Per Shri M.S.Deshpande, Vice-Chairman] Dt. 31.8.1994.

The applicant had approached this Tribunal against the disciplinary action taken against him awarding the punishment of removal from service. One of the pleas raised was that the Enquiry Officer's report had not been supplied to him before the Disciplinary Authority awarded the punishment of removal from service. This Tribunal by its order dt. 3.9.1991 relying on Union of India V/s, Mohammed Ramzan Khan (CAT 1990 SC 56) quashed the order of removal and directed to proceed with the inquiry from the stage of giving Enquiry Officer's report to the delinquent employee in accordance with law. The Supreme Court in Civil Appeal Nos.4963 to 4967/1992 decided on 23.11.1992 set aside the orders passed by the Tribunal with a direction to decide the OA with reference to other points raised.

2. One of the contentions raised by Shri L.M.Nerlekar, learned counsel for the applicant is that the appellate authority while passing the order dt. 2.8.1989 passed a cryptic order without

....3.

affording a personal hearing which is mandatory in view of the decision in Ram Chander V/s. Union of India (AIR 1986 SC 1169). The only course we can adopt in the present case is therefore to set aside the appellate order passed against the applicant and direct the appellate authority to give a personal hearing to the present applicant and decide the appeal by passing a speaking order within a period of 8 weeks from the date of receipt of a copy of this order. No order as to costs.

  
(R. RANGARAJAN)  
MEMBER (A)

  
(M. S. DESHPANDE)  
VICE-CHAIRMAN

B.