

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 502/89

198

~~TAXONEX~~DATE OF DECISION 10.10.1991V.C.Narasimhulu

Petitioner

Mr. A.I.Bhatkar

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. R.K.Shetty

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? *or*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

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

*U.C.Srivastava*  
( U.C.Srivastava )  
V/C

(11) 11

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

\* \* \* \* \*

Original Application No.502/89

Shri V.C.Narasimhulu,  
Qr. No.102/951, Sector-I,  
Koliwada,  
Bombay 400 037.

... Applicant

V/s

1. Union of India through the  
Secretary, Ministry of Defence,  
New Delhi.
2. Chief Engineer, Southern  
Command, Pune.
3. Chief Engineer, Bombay Zone,  
Military Engg. Services,  
Colaba, Bombay 400 005.

... Respondents

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

Appearances:

Mr. A.I.Bhatkar, Advocate  
for the applicant and  
Mr. R.K.Shetty, Advocate  
for the respondents.

ORAL JUDGEMENT:


Dated : 10.10.1991

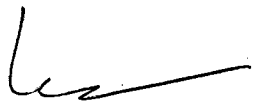
(Per. U.C.Srivastava, Vice-Chairman)

The applicant who was working as Superintendent (Buildings & Roads) Grade-I in the Military Engineering Services at Bombay after certain proceedings was faced with the penalty order dated 24.9.1988 by which three increments with cumulative effect were with-held. The applicant filed a departmental appeal against the same and waited for the results but ultimately approached the Tribunal challenging the entire proceedings on a variety of grounds. Respondents have put in appearance and filed their written statement. Subsequently the applicant amended his application and put more pleas. One of the pleas which has been taken by the applicant is that the appellate order dated 25.9.1989 is bad in law and is of no legal consequences. It has been specifically stated

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that no personal hearing was given to the applicant and as such the order deserves to be quashed. In view of the fact that the appellate order has been challenged on this ground it is not necessary to enter into other pleas taken by the applicant as all these pleas can be considered by the appellate authority. The appellate authority should have given a personal hearing to the applicant and was duty bound to do so but the same was not done. Accordingly this application is allowed and the appellate order dated 25.9.1989 is quashed. The appellate authority is directed to give a personal hearing to the applicant and thereafter decide the appeal taking into consideration the pleas raised by the applicant and pass a speaking order. Let the appeal be heard and disposed of within a period of one month from today. It is not necessary that the order may be communicated to the authority concerned as the order is being passed in the presence of the counsel of the parties. Let copy of the order be given to the counsel of the parties within one week. There will be no order as to costs.

  
( M.Y. Priolkar )  
Member(A)

  
( U.C. Srivastava )  
Vice-Chairman