

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1030/1996

Dated this THURSDAY, the 12th Day of April, 2001.

Shri C.N.Bhandari & Ors ..... Applicant

(Applicant by None)

Versus

UOI & Ors. .... Respondents

(Respondents by none )

CORAM


HON'BLE SHRI KULDIP SINGH, MEMBER (J)

HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal?

(3) Library.

  
(Kuldip Singh)  
Member (J)

sj\*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.1030/1996

DATE OF DECISION: 12.4.2001

CORAM: HON'BLE SHRI KULDIP SINGH, MEMBER (J)  
HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

1. Shri C.N.Bhandari,
2. Smt. Ramilaben C.Bhandari  
Legal Heir of Shri C.N.Bhandari
3. Shri Tejas C.Bhandari,  
Son and Legal Heir of Shri C.N.Bhandari  
C/o R.G.Bhandari,  
Near Hanuman Temple Gali  
Chipwad Valsad 396001 (Gujarat) ..... Applicants

(None present for the Applicants)

vs.

1. Union of India, New Delhi  
(Through the Secretary,  
Department of Women & Child Development  
Ministry of Human Resources Development,  
New Delhi )
2. Shri P.Kumar,  
Jy. Technical Adviser,  
Office of the Food & Nutrition Board,  
Govt. of India, Ministry of HRD,  
Western Region, 4th floor,  
D. Vachha Road, Churchgate,  
Bombay 400 020.
3. Shri C.R. Chhibber,  
Director (A), Department of Women  
& Child Development, Govt. of India,  
Ministry of HRD, Shastri Bhavan,  
New Delhi. .... Respondents

(None present for the Respondents)

ORDER (ORAL)

Per: Kuldip Singh, Member (J)

None present on both sides. However, as per Rule 15 of the Central Administrative Tribunal (P) Rules, we dispose of the Application on merits after perusing the O.A. record. Written Reply by the Respondents and the papers available on file.

2. The Applicant in this case is aggrieved by the Order

..2/-

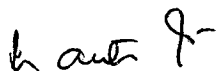
dated 28.4.1993 passed by the Respondents whereby the services of the Applicant had been terminated. The facts in brief are that the Applicant who was working as an Class IV employee with the Respondents was proceeded against departmentally as he was absent without any authority. After a Regular Inquiry was held the Respondents imposed the major penalty of removal from service vide Order impugned in this O.A. The Applicant through this O.A. has alleged that the Enquiry was held exparte without hearing him. The Applicant claims that he was not able to attend the hearing fixed on 19.1.1993 at Mumbai due to communal disturbances. He also stated in the O.A. that he had intimated the Enquiry Officer that he was unable to attend the Enquiry from Valsad because of disturbances in Bombay but the Enquiry Officer submitted his report. Thereafter a Show Cause Notice dated 22-1-1993 was issued to the Applicant to which he did not reply. Ultimately by the impugned order the Applicant was removed from the service.

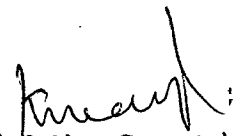
3. The O.A. is being contested by the Respondents who state that ample opportunity had been given to the Applicant to defend his case, however, he had never informed the Enquiry Officer from Valsad about his inability to attend the Enquiry Proceedings. Except the ground of violation of principles of natural justice and denial of an opportunity of being heard, no other ground has been raised by the Applicant to challenge the impugned orders of termination of services.

4. From the perusal of the record we also find during the pendency of the O.A. the Applicant expired and through M.P.No. 854/2000 the legal heirs viz. Applicant's wife and son were permitted to pursue the O.A. However, on merits of the Application, we find the Respondents clearly stated in their

Written Reply that they had served proper Notices on the Applicant on the date of Enquiry and no principles of natural justice have been violated while conducting the Enquiry and since the Disciplinary Authority had given ample opportunity of being heard before passing the Order of Removal from service. Hence we are of the opinion that there is no merit in the Application and is liable to be dismissed. Otherwise also the O.A. has become infructuous since the Applicant has expired during the pendency of the disposal of this O.A.

5. The O.A. is disposed of on the above observations. No Costs.

  
(Smt. Shanta Shastri)  
Member (A)

  
(Kuldip Singh)  
Member (J)

sj\*

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

R.A. No. 45/2001 In  
OA 1030/1996

Mumbai this the 4<sup>th</sup> day of September, 2001

HON'BLE MR. KULSIP SINGH, MEMBER (J)  
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

1. Shri C.N. Bhandari
2. Smt. Ramilaben C. Bhandari  
Legal Heir of Shri C.N. Bhandari
3. Shri Tejas C. Bhandari  
Son and Legal Heir of Shri C.N. Bhandari  
C/o R.G. Bhandari  
Near Hanuman Temple Gali  
Chipwad Valsad 396001 (Gujara) ...Review Applicants

Versus

1. Union of India, New Delhi  
(Through the Secretary,  
Department of Women & Child Development  
Ministry of Human Resources Development,  
New Delhi)
2. Shri P. Kumar  
Dy. Technical Adviser,  
Office of the Food & Nutrition Board,  
Govt. of India, Ministry of HRD,  
Western Region, 4th Floor,  
D. Vachha Road, Churchgate,  
Bombay-400 020.
3. Shri C.R. Chhibber,  
Director (A),  
Department of Women & Child Development,  
Government of India, Ministry of HRD,  
Shastri Bhavan,  
New Delhi. ...Respondents

ORDER BY CIRCULATION

By Hon'ble Mr. Kuldip Singh, Member (J)

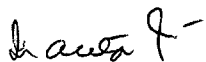
RA No.45/2001 in OA 1030/1996 has been filed by  
the applicants for review of the order passed in OA 1030/96 on  
12.4.2001.

2. In the RA the applicants have taken a ground that the


*here*

OA was disposed of without affording an opportunity of hearing to them. We may mention that all the grounds taken in the OA were duly considered by us while delivering the judgment in the OA. The only reason given by the applicant in the affidavit filed along with the RA is that being absent on the date when the case was taken up, the same should not have been decided, which does not seem to be a bona fide reason requiring a review of the order passed in the OA. No new ground has been adduced in the RA which may require its review and more over the RA does not fall within the ambit of Order 47 Rule 1 CPC read with Section 23(f)(i) of the AT Act.

3. In view of the above, nothing survives in the RA which is accordingly dismissed.



(MRS. SHANTA SHASTRY)  
MEMBER (A)



(KULDIP SINGH)  
MEMBER (J)

Rakesh