

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 30th JANUARY 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)
Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 1762/86

R. Hanuman Singh
Ex-Civilian M.T.D.,
'Vanitha Vilas',
Muniramappa Compound
5th Main, 7th Cross
Gangannahalli
Bangalore 560 032

- Applicant

(Sri Suresh S. Joshi, Advocate)

and

1. Air Commodore
Air Officer Commanding
Institute of Aviation Medicine ~~Resk~~
H.A.L. Post, Bangalore 560 017

2. Air Vice Marshal
Senior Officer i/c Administration
HQ Training Command, IAF
Hebbal, Bangalore 560 006 - Respondents

(Sri M.S. Padmarajaiah, Senior C.G.S.C.)

This application came up for hearing before
this Tribunal and Hon'ble Sri Ch. Ramakrishna Rao, Member (J)
to-day made the following

O R D E R

The facts giving rise to the application are, briefly,
as follows. By and order dated 30-6-1978 the Air Commodore
Air Officer Commanding ('R1') imposed the penalty of dismissal
from service on the applicant. The applicant filed a writ
against the said order. ^W
petition in the High Court of Karnataka. A single judge of
the High Court upheld the order on the ground that it was
passed by the competent authority. The applicant preferred
an appeal to a Division Bench of the High Court. The

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We, therefore, set aside the order dated 15.9.1986 of the appellate authority ('R2') and direct him to dispose of the appeal by a reasoned order afresh after affording a personal hearing to the applicant within two months from the date of receipt of this order. If the applicant is aggrieved by the order passed by the appellate authority he is at liberty to move this Tribunal.

4. In the result the application is disposed subject to the directions given above. No order as to costs.

Endorsement
30.1.87

Member (J)

Signature
30.1.87

Member (AM)

judges who heard the appeal gave opportunity to the applicant to prefer the appeal against the order of dismissal within a period specified in their order dated 15.4.1986. The applicant, accordingly, preferred an appeal before the Air Vice Marshal ('R2') who confirmed on 15.9.1986 the penalty of dismissal from service imposed by R1. Aggrieved by this order the applicant has filed this application.

2. Sri Surish S. Joshi, learned counsel for the applicant, urged several grounds before us. But we consider it sufficient at this stage to deal with only one of the grounds, which is very crucial to the case. The principal submission of Shri Joshi is that the order passed by R2 in appeal does not set out the reasons for confirming the order passed by R1 and as such it is not a speaking order. Shri M.S. Padmarajaiah, Senior C.G.S.C., appearing for the respondents submits that the order passed by R2 should be read with the order passed by R1, findings of the Board and other relevant material on record and not viewed in isolation.

3. We have considered the matter carefully. We are satisfied that the present case falls within the ratio of the decision of the Supreme Court in Ram Chander v Union of India AIR 1986 SC 1173 wherein it was observed

"We wish to emphasize that reasoned decisions by tribunals, such as the Railway Board in the present case, will promote public confidence in the administrative process. An objective consideration is possible only if the delinquent servant is heard and given a chance to satisfy the Authority regarding the final orders that may be passed on his appeal. Considerations of fair-play and justice also require that such a personal hearing should be given."

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