

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE SEVENTH DAY JANUARY, 1987

Present: Hon'ble Shri Ch.Ramakrishna Rao Member(J)

Hon'ble Shri L.H.A.Rege Member(A)

APPLICATION NO. 1418/86(T)

G.A.Hulkurki,
Ex-Chowkidar,
P.S.O.Office, Hubli. ... Applicant
(Shri M.Raghavendra Achar ... Advocate)

Vs.

1. The Superintendent of Postal Stores,
Department, P.S.O.Office, Hubli.
2. The Post Master General in Karnataka,
Palace Road, Bangalore ... Respondents
(Shri M.S.Padmarajaiah ... Advocate)

This application has come up before the court
today. Hon'ble Member Shri Ch. Ramakrishna Rao, Member(A)
made the following:



...2/-

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ORDER

This is an application initially filed as a writ petition in the High Court of Karnataka and subsequently transferred to this Tribunal.

2. The applicant was appointed as a Chowkidar on 22.12.1982 by the Superintendent of Postal Stores, Hubli (Respondent No.1). His services were terminated on 30.4.1984 by the Respondent No.1, invoking the provisions of Rule 25 of the Central Civil Services (Temporary) Rules, 1965. The applicant preferred an appeal to the Post Master General, Karnataka Circle, Bangalore (Respondent No.2), whose decision rejecting the appeal was communicated to the applicant through respondent No.1. Aggrieved by the aforesaid orders, the applicant has filed this application.

3. Shri M. Raghavendrachar, learned counsel for the applicant, contends, inter alia, that the order passed by the appellate authority is not a speaking ~~order~~ and is therefore liable to be set aside. 4A

4. Shri M.S. Padmarajaiah, Senior Standing Counsel for the Central Government, appearing for the respondents, refutes the contention of Shri Achar.

5. After giving careful thought to the matter, we are inclined to uphold the contention of Shri Achar.

CJ

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6. In this connection, it is useful to cite a recent decision of the Supreme Court in RAMACHANDER v. UNION OF INDIA (AIR 1986 SC 1173), wherein the Supreme Court had occasion to observe as follows:-

"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 fairplay and justice also require that such a personal hearing should be given."

7. In view of the above observations of the Supreme Court, we set aside the appellate order passed by the 2nd respondent and remit the matter to him with a direction to dispose of the appeal within three months from the date of receipt of this order after affording an opportunity to the applicant of being heard in the light of the foregoing and in accordance with law.

8. In the light of the above, the application is allowed, with no order as to costs.

C. Venkateswara

MEMBER (J)

Q. S. J.
7.1.1987
MEMBER (A)