

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

ORDER SHEET

Application No 1419 of 198 6(T)

Applicant

K. Prabhakaran Nair

Advocate for Applicant

Respondent

WP 1882/85

Advocate for Respondent

| Date | Office Notes | Orders of Tribunal |
|----------|---|--------------------|
| 12/11/86 | Notice issued to Shri K. Ramadasan advocate for applicant intimating the date of next hearing as 6-1-87 JMN | |
| 6.1.1987 | The Honble Shri. Ch. Ramakrishnas Rao, (FM) The Honble Shri. AHA. Rego, (AM). Sri. K. Ramadas Advocate for Applicant present. Sri. BV. Shylendra Kumar Counsel for Respondent present and filed Reply. Arguments Concluded. Application disposed of. | |

B.O.

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ORDER

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

2. The applicant was appointed as Security Guard in ISRA Satellite Centre, Bangalore (Respondent No.2) by its Controller and was confirmed after completion of the period of probation. Disciplinary proceedings were initiated against the applicant on 15.9.1982. The charge levelled against him was that on 7.8.1982, he had helped one Shri TB Jayachandran, another Security Guard in committing theft of an aluminium rod weighing about 23.5 kgs from the workshop of the 2nd respondent. Based on the enquiry held against the applicant, an order removing the applicant from service was passed by the Controller on 10.5.1983 (Annexure-K). Aggrieved by this order, the applicant has filed this application.

3. Shri K. Ramdas, learned counsel for the applicant, urged ~~that~~ several pleas before us challenging the disciplinary proceedings, which were refuted by Shri D.V. Shailendra Kumar, learned counsel for the respondents.

4. We do not consider it necessary to examine the rival contentions, since the applicant has not availed of the remedy of appeal, provided in Part VII of the Department of Space Employees (CC&A) Rules, 1976 ('rules').

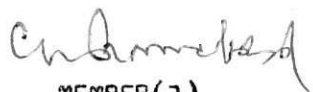
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In view of the provisions contained in Part VII of the rules, we were not prepared to entertain this application until the applicant exhausts the remedy of appeal referred to supra. The appellate authority shall entertain the appeal, if preferred by the applicant, condoning the delay if any, by exercising the power vested in him under proviso to rule 22 of the rules.

5. Before concluding, we would like to observe that as and when an appeal is filed by the applicant, the appellate authority shall bear in mind the law as laid down by the Supreme Court in a recent decision in ^{CHANDER} RAMACHANDRA v. UNION OF INDIA (AIR 1986 SC 1173), wherein it was observed as under:

" We wish to emphasize that reasoned decisions by 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".

6. In view of the above observation by the Supreme Court, we dispose of this application with no order as to costs, subject to the observation made in paragraph 4 supra.


MEMBER(J)


MEMBER(AM)(R) 6.1.87.

AN.