

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 16-10-87

CONTEMPT OF COURT APPLICATION NO 28 /87 ()
IN APPLICATION NO. 91/87(F)
W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri Ansley Sourì
To

The Secy, M/o Defence & 2 Ors

1. Shri Ansley Sourì
C/o Rajan Stores
Vibhuthipuram
Marathalli P.O.
Bangalore - 560 037
2. Shri M.S. Anandaramu
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002
3. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011
4. The Scientific Adviser to Minister
of Defence & Director General
Research & Development
DHQ PO. New Delhi - 110 011
5. The Director
Gas Turbine Research Establishment
R & D Organisation
Suranjandas Road
Post Box No. 7577
Bangalore - 560 075
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore -560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~STAY~~ /
~~INTERIM ORDER~~ Contempt of Court
passed by this Tribunal in the above said application
on 12-10-87.

Encl: as above.


DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 31ST DAY OF MARCH, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, .. Vice-Chairman.
And:
Hon'ble Mr. P. Srinivasan, .. Member(A)

APPLICATION NUMBER 91 OF 1987.

Sri Ansley Souri,
Son of R. John Souri, Aged about 46 years,
working as Foreman, Gas Turbine
Research Establishment Research and
Development Organisation, (now illegally
removed from service) and residing at C/o
Rajan Stores, Vibuthipuram, Marathalli P.O.,
BANGALORE-560 037.

Applicant.

(By Sri M.S. Ananda Ramu, Advocate)

v.

1. Union of India,
represented by the Secretary
to Government of India,
Ministry of Defence,
New Delhi -110 011.
2. The Scientific Adviser to the Minister
of Defence and the Director General
of Research and Development, Government of India,
Directorate of Personnel, DHQ PO,
New Delhi 110 011.
3. The Director,
Gas Turbine Research Establishment,
Research and Development Organisation,
Suranjandas Road, Post Box No. 7577,
Bangalore 560 075.

.. Respondents.

(By Sri M. Vasudeva Rao, ACGSC)

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This application coming on for hearing this day, Vice-Chairman
made the following:

ORDER

In this application made under Section 19 of the Administrative
Tribunals Act of 1985 ('the Act') the applicant has challenged order
No. Pers 21744/RD/LC dated nil communicated with letter No. 0406/
GTRE dated 17-4-1986 of the Director, Gas Turbine Research Estab-
lishment, Bangalore ('Director') (Annexure-N); order no. Pers/21744/RD/
LC dated 29-11-1985 (Annexure-L) of the Scientific Adviser to the
Minister of Defence and Director General Research and Development

Organisation, New Delhi ('SA') and order No.GTRE/PC/0406 dated 24-6-1985 (Annexure-H) of the Director.

2. At the material time, the applicant was working as a foreman in the office of the Director. In a disciplinary proceedings instituted against him under the Central Civil Services (Classification, Control and Appeal) Rules ('the Rules') the Director made an order on 24-6-1985 (Annexure-H) ^{1 and 2} imposed the penalty of removal from service. Aggrieved by this order, the applicant filed an appeal before the SA who on 29-11-1985 rejected the same. Aggrieved by these orders, the applicant filed a representation before the Minister of State for Defence Production who has rejected the same and the same has been communicated to the applicant on 17-4-1986 by the Director. Hence, this application.

3. Sri M.S.Anandaramu, learned counsel for the applicant, contends that the statutory appeal filed by him under the Rules had not been considered by the SA in conformity with Rule 27 of the Rules and his order was not a speaking order as explained by the Supreme Court in RAM CHANDER v. UNION OF INDIA AND OTHERS (AIR 1986 SC 1173).

4. Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents sought to support the order of the SA.

5. In support of his appeal the applicant had urged a large number of grounds on questions of fact and law. But, the SA had rejected the same without considering any one of those grounds or requirements of Rule 27 of the Rules. Without any doubt, the order made by the SA ~~contravenes Rule 27 and is not a speaking order.~~ ~~Without any, the order made by the SA~~ in contravention of the principles enunciated in Ram Chander's case is liable to be quashed and

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a direction issued to him to restore the appeal to its original file and re-determine the same in accordance with law. In this view, it is also necessary to quash the order made by Government rejecting the representations made by the applicant.

6. As the SA had not disposed of the appeal in conformity with law, we cannot examine the correctness of the order made by the Director and the same has necessarily to be done by the SA in the first instance. We, therefore, decline to examine the correctness of the order of the SA.

7. Sri Anandaramu contends that the applicant had not been furnished with a copy of the report of the inquiry officer and the Director be directed to furnish the same to him.

8. Without examining whether a copy of the report of the inquiry officer had been furnished or not, we consider it proper to direct the Director to furnish a copy of the same to the applicant within 15 days from this day.

9. In the light of our above discussion we make the following orders and directions:

(a) We quash order No.Pers/21744/RD/LC dated nil (Annexure-N) of Government communicated by the Director and order No.Pers/21744/RD/LC dated 29-11-85 (Annexure-L) of the SA and direct him to restore the appeal filed by the applicant to its original file and dispose of the same in accordance with law, the observations made in this order and Ram Chander's case.

(b) We direct the Director - respondent No.3 to furnish a copy of the report of the Inquiry Officer to the applicant within 15 days from this day.

10. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

[Signature]
VICE-CHAIRMAN
31-3-1987.

[Signature]
31/3/87
MEMBER(A)