

REGISTERED

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

- Dated : 2-7-87

APPLICATION NO 268 /87(T)

W.S. NO 664/84 (Munsif Court, Belgaum)

Applicant

Shri Imamsab Mugutsab Attar

v/s The Under Secy, M/o Defence

To

1. Shri Imamsab Mugutsab Attar
Attar Galli
Sembra
Belgaum Taluk

2. Shri Shanteram Sawant
Advocate
26/1, 1st Cross
Millers Road
Benson Town
Bangalore - 560 046

3. The Under Secretary
Ministry of Defence
Room No. 303, III Floor
'D' Wing, Sena Bhavan
New Delhi - 110 011

4. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXXX~~/
~~XXXXXX~~ ORDER passed by this Tribunal in the above said
application on 25-6-87.

Hari
SECTION OFFICER
(JUDICIAL)

Encl : as above

o/c

Issued

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CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE.

DATED THIS THE 25TH DAY OF JUNE,1987.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr.L.H.A.Rego, .. Member(A).

APPLICATION NUMBER 268 OF 1987.

Imamsab Mugutsab Attar,
Major,R/o Sambra,Taluk Belgaum. .. Applicant.

(By Sri Shantaram Sawanth,Advocate)

v.

The Under Secretary,
Ministry of Defence,
Government of India,New Delhi. .. Respondent.

(By Sri M.Vasudeva Rao,Standing Counsel).

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

O R D E R

This is a transferred application and is received from the Court of Munsiff, Belgaum under Section 29 of the Administrative Tribunals Act,1985.

2. At the material time the applicant was working as a civilian Cook in the Administrative Training Institute, Air Force Station, Sambra (Institute). In a disciplinary proceeding instituted against him under the C.C.S.(CCA) Rules,1965 ('Rules') the disciplinary authority ('DA') by his order No.ATI/633/155/PC dated 20-6-1984 imposed the penalty of compulsory retirement against the applicant. Aggrieved by the same, the applicant filed an appeal under Rule 24 of the Rules before the Station Commander,Air Force Station,Sambra who was the Appellate Authority ('AA') under the Rules. On 4-8-1984



the AA dismissed the same in these words:

1. **AWL case.**
2. **Action as advised. There is no case for reconsideration in this case"**

This order has been communicated to the applicant by the Officer-in-Charge, Civil Admin for Station Commander ('OC') on 7-8-1984 (Document No.4). In O.S.No.664/84 the applicant challenged them in the Munsiff's Court, Belgaum and the same on transfer has been registered as A.No.268/87.

3. In their reply, the respondents have supported the orders challenged by the applicant.

4. Sri Shantharam Sawanth, learned counsel for the applicant, contends that the order made by the AA without examining the materials grounds urged in the appeal and the requirements of Rule 27 of the Rules, was not a speaking order and illegal as ruled by the Supreme Court in RAMACHANDRA v. MINISTRY OF RAILWAYS AND OTHERS (AIR 1986 SC 1173).

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

6. We have earlier extracted the original order made by the AA on the appeal filed by the applicant and the same has been communicated almost in the same words. Both of them do not give reasons for rejecting the material contentions and dismissing the appeal. Without any doubt, the order made by the AA is arbitrary, laconic, ~~lax~~ is not a speaking order and is illegal. In this view, it is necessary to quash the same and issue appropriate directions without examining the order of the DA.

7. In the light of our above discussion, we quash the order dated 4-8-1984 of the Appellate Authority and the communication



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of the same made on 7-8-1984 and direct the AA to restore the appeal filed by the applicant to its original file and dispose of the same in accordance with law and the observations made in Rama-chandra's case.

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



bsg/np-

Sd —
Kep VICE-CHAIRMAN
25/6/87
"True copy"

Sd —
MEMBER(A) 25-6-87

~~Haseeb~~
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE