

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. No. 898/90

~~TXA XXX NOXX~~

198

DATE OF DECISION 20-3-1991

Shriniwas M. Hiradeve Petitioner

Mr.S.A.Bari Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Mr.Ramesh Darda Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. A.P.Bhattacharya, Member(J)

The Hon'ble Mr. P.S.Chaudhuri, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? NO
2. To be referred to the Reporter or not ? NO
3. Whether their Lordships wish to see the fair copy of the Judgement ? NO
4. Whether it needs to be circulated to other Benches of the Tribunal ? NO

(3)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.898/90

Shriniwas Madhukarrao Hiradeve,
R/o. At & Post Bakhardi,
Tq. Rajura,
Dist. Chandrapur,
Maharashtra.

.. Applicant

vs.

1. Union of India
through
Post Master General,
Maharashtra Circle,
Bombay.

2. Superintendent of Post Offices,
Chanda Division, Chandrapur,
Dist. Chandrapur.

3. Sub Divisional Inspector of Post
Offices Chanda Central,
Sub Division, Chandrapur,
Maharashtra State.

.. Respondents

Coram: Hon'ble Member(J) Shri A.P. Bhattacharya

Hon'ble Member(A) Shri P.S. Chaudhuri

Appearances:

1. Mr. S.A. Bari
Advocate for the
Applicant.

2. Mr. Ramesh Darda
Counsel for the
Respondents.

ORAL JUDGMENT:

Date: 20-3-1991

{Per A.P. Bhattacharya, Member(J)}


Mr. S.A. Bari appears for the applicant

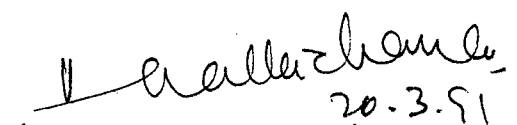
and moves this application for admission. It is opposed
by Mr. Ramesh Darda, counsel appearing for the respondents.

2. In this application under Section 19
of the Administrative Tribunals Act, 1985 the applicant
has challenged the penalty of removal from service
imposed on him by the Disciplinary Authority and the
order passed by the Appellate Authority on 26-12-1989
shown in Annexure 'B' to the application. Considering
the circumstance of the case we think it proper to
dispose of this case with certain direction on the
Appellate Authority.

3. At para 5 of the order passed by the Appellate Authority it is mentioned that although the applicant sought for personal hearing it was thought unnecessary by the ~~letter~~^{said} authority. In our opinion the said Appellate Authority should have given the applicant a personal hearing in view of the decision passed by the Supreme Court in the case of Ram Chander vs. Union of India and others reported in (1986) 3 Supreme Court Cases, pages 103. It has held by the Supreme Court in that case that while considering an appeal the Appellate Authority must not only give a hearing to the delinquent but also pass a reasoned and speaking order dealing with the contentions raised in the appeal, ~~by the applicant~~. We must hold that the Appellate Authority should have ~~been~~ given a personal hearing to the applicant especially when that was sought by him.

4. In view of the findings made above we dispose of this application by setting aside the order passed by the Appellate Authority shown in Annexure 'B' to the application. The matter is sent back to the said Appellate Authority for reconsideration of the appeal preferred by the applicant in the light of the observation made by the Supreme Court in the case cited above within ninety days from this date. If the applicant feels aggrieved by the order to be passed by the Appellate Authority he will be at liberty to file a fresh application before this Tribunal if not otherwise barred.


(P.S. CHAUDHURI)
Member(A)


(A.P. BHATTACHARYA)
Member(J)
20.3.91