

(4)

CAT/J/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH  
CAMP AT NAGPUR

O.A. Nos. 702/90 & 793/90  
~~T.A. No.~~

198

DATE OF DECISION 9.7.1991

S.R.Nandeshwar & Petitioner  
G.S.Gajbhiye

Mr. A.V.Mohta Advocate for the Petitioner(s)

Versus

Shri/Engineer Director General Respondent  
Ordnance Service, New Delhi

Mr. Ramesh Darda Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. U.C.Srivastava, Vice-Chairman

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

  
( U.C.Srivastava )  
V/C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY,  
CAMP AT NAGPUR

Original Application Nos. 702/90 & 793/90

1. Siddharth R.Nandeshwar,  
R/o Ward No.25,  
Gaikwad War (Nagpur Fail),  
Pulgaon, Distt. Wardha. ... Applicant  
(OA 702/90)
2. Gautam S.Gajbhiye,  
Ward No.22, Bhim Nagar,  
Pulgaon, Dist. Wardha. ... Applicant  
(OA 793/90)

V/s

1. Director General Ordnance Service,  
M.G.Os. Branch, Army Head Quarter,  
District Health Office PO,  
New Delhi 110 011.
2. The Commandant, Central Ammunition  
Depot (C.A.D.), Pulgaon,  
Pulgaon Camp - 442 303,  
Dist. Wardha. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava  
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

Mr. A.V.Mohta, Advocate  
for the applicants and  
Mr. Ramesh Darda, Advocate  
for the respondents.

ORAL JUDGEMENT: Dated : 9.7.1991  
(Per. U.C.Srivastava, Vice-Chairman)

Respondents have filed their replies and we  
have heard counsel of the parties.

2. As a short question is involved in these cases  
which involve common questions of law and facts, we are  
admitting them and disposing of them finally by this  
common judgement.

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3. Similar matters have already engaged the attention of a Division Bench of the Tribunal which allowed these applications on the ground that opportunity of hearing should have been given to the applicants.

4. In view of the fact that of course the applicants have been in service, their services have been terminated on the ground of suppression of facts and furnishing false information during recruitment without giving them the opportunity of hearing thereby violating the well recognised principles of natural justice, the order is arbitrary and so needs to be quashed and set aside. It is to be noted that the orders of termination do cast a stigma on the applicants as it is expressly stated therein that these are on account of suppression of facts and furnishing false information during recruitment.

5. In the result, we quash the orders under which the services of these applicants were terminated and direct the respondents to reinstate them in service forthwith. However, it is made clear that this order shall not preclude the respondents from proceeding against the applicants in accordance with law in case the respondents desire to terminate their services.



( P.S. Chaudhuri )  
Member(A)



( U.C. Srivastava )  
Vice-Chairman