

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 903/92
Transfer Application No.

Date of Decision : 25.7.95

D.A. Shinde

Petitioner

Shri.S.P.Kulkarni

Advocate for the
Petitioners

Versus

Director Postal Services & Anr.

Respondents

Shri.S.S.Karkera


Advocate for the
respondents

C O R A M :

The Hon'ble Shri B.S.Hegde, Member (J)

The Hon'ble Shri M.R.Kolhatkar, Member (A)

- (1) To be referred to the Reporter or not ?x
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?


(B.S.Hegde)
Member (J)

J*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 903/92

D.A. Shinde

... Applicant

Vs.

1. Director Postal Services,
Pune Region, Pune 411 001.

2. Sr.Superintendent of
Post Offices,
Solapur Division,
Solapur - 413 001.

... Respondents

CORAM : Hon'ble Shri.B.S.Hegde, Member (J)

Hon'ble Shri. M.R. Kolhatkar, Member (A)

Appearances

1. Shri.S.P.Kulkarni
Advocate
for the applicant.

2. Shri.S.S.Karkera,
Advocate
for the respondents.

ORAL JUDGMENT

DATED : 25/07/1995


X Per. Shri. B.S.Hegde, Member (J) X

Heard the counsel. On the last occasion, the respondents were directed to furnish certain documents, which they have brought today. However, during the course of hearing, the learned counsel for the applicant submitted that the applicant had made an appeal vide dated 21.10.1991 to the Director of Postal Services, Pune Division who is the appellate authority, against the disciplinary action for removal from service, seeking for personal hearing before disposal of the appeal. However, the Appellate Authority disposed of the appeal on

19.5.92 (Annexure 10) without giving any personal hearing to the applicant.

2. In this connection, Shri.S.P.Kulkarni, learned counsel for the applicant draws our attention to the decision of the Supreme Court in Ram Chander Vs. Union of India & Ors. (1986) SCC (L&S) 383, wherein the Supreme Court held that '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 fair play and justice also require that such a personal hearing should be given.' Since the ratio laid down in the above case clearly applies to the present case and the respondents admittedly have not given personal hearing before disposal of the appeal, the rejection of the appeal of the applicant in the eye of law is non-est. Accordingly, we hereby quash the order already passed by the appellate authority dated 19.5.92 and the respondents are directed to give a personal hearing to the applicant and pass a fresh speaking order within a period of 3 months from the date of receipt of this order. Liberty to the applicant to file a fresh O.A if he is aggrieved of the order so passed by the appellate authority. The O.A is disposed of with this direction, but no orders as to costs.


(M.R.KOLHATKAR)
MEMBER (A)


(B.S.HEGDE)
MEMBER (J)