

(07)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 1075/92

Transfar Application No:

DATE OF DECISION: 15/03/1995

A.M. Gupte

Petitioner

--- Advocate for the Petitioners

Versus

Union of India & Ors.

-----Respondent

Shri.P.N.Chandurkar

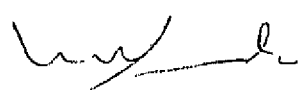
Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

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

1. To be referred to the Reporter or not ? ---
2. Whether it needs to be circulated to other Benches of the Tribunal ? no


(M.S.DESHPANDE)
VICE CHAIRMAN

08

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

D.A. 1075/92

A. M. Gupte

.... Applicant

Vs.

Union of India & 2 Ors.

.... Respondents

CORAM : 1. Hon'ble Shri Justice M.S.Deshpande, Vice Chairman
2. Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance

Shri. P.N.Chandurkar, Counsel
for respondents

ORAL JUDGMENT

DATED ; 15/03/1995

(Per : Shri Justice M.S.Deshpande, Vice Chairman)

By this application, the applicant who was officiating as Assistant Engineer with South Eastern Railway challenges the recorded warning administered to him by letter dated 6/2/92 for attesting genuineness of the application of temporary P.F withdrawal of Shri.Kundlik Laxman, a Trolley man of Sr.DEN which was completely incorrect and not falling within his duties with further admonition that the matter would be seen very seriously if this type of irresponsible behaviour on his part were repeated. There ^{was} ~~is~~ no appearance on behalf of applicant, when the case was called and we asked Shri.Chandurkar, learned counsel for the respondents whether an opportunity was given to the applicant in view of the recorded warning which came to be given to the applicant to show-cause against the intended action. There is nothing on the record to show that it was done and we find that a recorded warning which was likely to prejudice further service prospects of the applicant, could not have been administered without following principles of natural justice.

09

-2-

Since no opportunity was given to the applicant to show-cause against the intended recorded warning, the action cannot be supported.

2. In the result, we allow the application and quash the impugned letter dated 6/02/1992. There will be no orders as to costs.

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A)

M.S. Deshpande
(M.S. DESHPANDE)
VICE-CHAIRMAN.

J*