

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 157/92

198

TAX NO.

DATE OF DECISION 13-7-92

D S Motharkar

Petitioner

Mr. V S Sohoni

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. Ramesh Darda

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman

The Hon'ble Ms. Usha Savara, 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?

MGIPRRND-12 CAT/86-3-12-86-15,000

62
y.c.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTING AT NAGPUR
NAGPUR

OA NO. 157/92

DNYANESHWAR SHAMRAO MOTHARKAR
R/o. Kharb; Post; Niharwani;
Tahsil & Dist. Bhandara
State of Maharashtra

..APPLICANT

V/s.

1. Union of India
through its Secretary
Ministry of Defence
(Defence Production)
South Block; New Delhi
2. The Chairman/Director General
Ordnance Factories
Ordnance Factory Board
10-A Auckland Road; Calcutta-1
3. The General Manager
Ordnance Factory
Bhandara

..RESPONDENTS

Coram: Hon. Shri Justice S K Dhaon, V.C.
Hon. Ms. Usha Savara, Member (A)

APPEARANCE:

Mr. V S Sohoni
Counsel for
the applicant

Mr. Ramesh Darda
Counsel
for the Respondents

ORAL JUDGMENT:

DATED: 13-7-1992

(Per: S K Dhaon, Vice Chairman)

Counsel for the respondents states that the a
reply has been filed on behalf of the respondents in the
first week of May at Bombay. Learned Counsel for the
Applicant states that he has received a copy of the reply.
He also says that he does not propose to file a rejoinder
affidavit.

2. This application is directed against the order
dated 26 November 1991 passed by the Joint Director (Vigi-
llance) Ordnance Factory Board, acting as the appellate
authority. By the impugned order, the appeal preferred
by the applicant had been dismissed.

3. In paragraph 38 of the application it is averred that the appellate authority did not offer an opportunity of personal hearing to the applicant. This fact is not denied by the respondents. On the contrary, it is admitted in paragraph 44 of the counter affidavit. Even in his memorandum of appeal the applicant made a prayer that he should be given a personal hearing by the appellate authority. The failure of the appellate authority to give a personal hearing to the applicant has rendered ~~its~~ order void.

4. The appellate authority shall endeavour to dispose of the appeal as expeditiously as possible but not beyond a period of three months from the date of production of certified copy of this order by the applicant before it. The applicant is permitted to transmit a certified copy of this order to the appellate authority under Registered Post A/D.

5. This application succeeds and is allowed. The impugned order dated 26 November 1991 is quashed. The competent Appellate Authority shall now hear and dispose of the appeal of the applicant on merit and according to law keeping in view the observations made above. There shall be no order as to costs.

U. Savara
(Ms. USHA SAVARA)
MEMBER (A)

SK Dhaon
(SK DHAON)
VICE CHAIRMAN