

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~ BOMBAY BENCH

O.A. No. 157/92 198  
~~T.A. 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?

} N D

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

*h2*  
V.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)

4) Counsel for the respondents states that the 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.

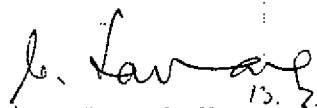
2. This application is directed against the order dated 26 November 1991 passed by the Joint Director (Vigilance) Ordnance Factory Board, acting as the appellate authority. By the impugned order, the appeal preferred by the applicant had been dismissed.

9

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.

  
( Ms. USHA SAVARA )  
MEMBER (A)

  
( SK DHAON )  
VICE CHAIRMAN