

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 368/92

Transfer Application No: --

DATE OF DECISION: 3-8-95

Shri Ganesh Digamber Deshpande

Petitioner

Mr. S. P. Inamdar for Mr. K. D. Kulkarni

Advocate for the Petitioners

Versus

U.O.I. & Ofc.

Respondent

Mr. P. M. Pradhan

Advocate for the Respondent(s)

CORAM :

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 X
the Tribunal?

M


(B. S. HEGDE)
M (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(6)

O.A.368/92

Shri Ganesh Digamber Deshpande .. Applicant

-vs-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri B.S.Hegde, Member(J)
Hon'ble Shri M.R.Kolhatkar, Member(A)

Appearances:

1. Mr.S.P.Inamdar
Counsel for
Mr.K.D.Kulkarni
Counsel for the
applicant.
2. Mr.P.M.Pradhan
Counsel for the
Respondents.

ORAL JUDGMENT:
(Per B.S.Hdgde, Member(J))

Date: 3-8-95

Heard Mr.S.P.Inamdar for the applicant and Mr.P.M.Pradhan for the respondents. The main ground advanced by the applicant is that he has not given personal hearing despite requesting for the same vide his appeal dated 29-11-90. Learned counsel for the applicant draws our attention to page 160 of the O.A. wherein the appellate authority has felt that personal hearing is not necessary. Learned counsel for the applicant also draws our attention to Supreme Court judgment in the case of Ram Chander vs. Union of India & Ors, 1986 SCC(L&S) 383, wherein the Supreme Court has held that when a specific request has been made in the appeal for personal hearing without hearing the person any order passed on the basis of the disciplinary authority's report is vitiated and the enquiry proceedings has to be quashed.

2. Accordingly we hereby direct the respondents to give the applicant personal hearing

before passing any order against his appeal and the appellate authority ~~was~~ also directed to consider all the grounds raised in the appeal and pass a speaking order within a period of four weeks from the date of receipt of a copy of this order.

3. In the circumstances we hereby quash and set aside the order of appellate authority dt. 27-3-91 Annexure A-25 in view of the ratio laid down by the Supreme Court in Ram Chander vs. U.O.I. &Ors. In case the applicant is aggrieved by the order of the appellate authority he is at liberty to approach the Tribunal, if he so desired.

4. O.A. is disposed of accordingly,

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

B.S. Hegde
(B.S.HEGDE)
Member(J)

M