

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(4)

NEW BOMBAY BENCH

O.A. No. 466/92
T.A. No.

198

DATE OF DECISION 14.7.1992

S.A.HASAN Petitioner

SHRI M.SUDAME Advocate for the Petitioner(s)

Versus

GENERAL MANAGER, ORDNANDE
FACTORY, Bhandara. Respondent

MR.RAMESH DARDA Advocate for the Respondent(s)


CORAM

The Hon'ble Mr. JUSTICE S.K.DHAON, Vice-Chairman

The Hon'ble ~~Mr.~~ ^{XXX} 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 ?

No


 (S.K.DHAON)
 V/c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

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ORIGINAL APPLICATION NO: 466/92

Shri S.A.Hasan,
Supervisor B(NT)/SE
Ordnance Factory Bhandara,
Qrt.No.51/7, Type-II,
Ordnance Factory Estate,
Jawaharnagar

....Applicant

V/s

1. The General Manager,
Ordnance Factory, Bhandara
and another

.... Respondents

CORAM : HON'BLE JUSTICE MR. S.K.DHAON, Vice-Chairman.

HON'BLE MEMBER USHA SAVARA, MEMBER (A)

Appearance:

Mr.M.Sudame, Adv.
for the Applicant

Mr.Ramesh Darda, Adv.
for the Respondents

ORAL JUDGEMENT

14TH JUL 1992

(PER : JUSTICE S.K.DHAON, V/c)

The order dated 28.1.1992 passed by the Joint Director / Vig, Ordnance Factory Board acting as Appellate Authority is being impugned in the present application.

2. A counter affidavit has been filed. The counsel for the parties have been heard. Indisputably the Appellate Authority did not offer oral hearing to the applicant before deciding his appeal. We have seen ^{the} memorandum of appeal. Therein, the applicant had made a specific prayer that he may be given oral hearing. That has not been done. The defect in the order of Appellate Authority is fatal.

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3. The application succeeds and is allowed. The Appellate order dated 28.1.1992 is quashed. The Appellate Authority shall proceed to hear the appeal afresh on merits and in accordance with the law, after affording the opportunity of oral hearing to the applicant. The appellate authority shall endeavour and dispose of his appeal as early as possible but not beyond a period of 3 months from the production of a certified copy of this order. The applicant of this order is permitted to transmit a certified copy/to the Appellate Authority under Registered post acknowledgment due.

4. There will be no order as to costs.

U. Savara
(USHA SAVARA)
M/A

S.K. Dharon
(S.K. DHARON)
Vice- Chairman

srl