

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 546/92
~~AP/XXXXX/92~~

198

DATE OF DECISION 16.9.1992.

Shri S.N. Fulzele.

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & 2 Others.

Respondent

Shri Ramesh Darda

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE S.K. DHAON, VICE CHAIRMAN.

The Hon'ble Mr. M.Y. FRIOLKAR, 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 ?

ND

Vice Chairman.

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, CAMP : NAGPUR.

O.A.546/92.

Shri Suryabhan N. Fulzele,
Ashoknagar, Near Ram Manohar
Lohia Library, Nagpur -440 017.

.. Applicant.

Vs.

1. Union of India, through
Secretary,
Ministry of Defence,
NEW DELHI
2. Director,
Ordnance Factory Board,
10-A, Auckland Road,
CALCUTTA - 700 001.
3. General Manager,
Ordnance Factory,
Ambazari, Nagpur - 440 021. .. Respondents.

Coram : Hon'ble Shri Justice S.K. Dhaon, Vice Chairman.
Hon'ble Shri M.Y. Priekar, Member (A).

Appearance:

None for the applicant.

Shri Ramesh Darda, Counsel
for the Respondents.

ORAL JUDGMENT :

Date: 16.9.1992.

¶ Per : Hon'ble Shri S.K. Dhaon, Vice Chairman ¶

The order dated 10.4.1990 passed by the Appellate Authority and ~~as~~ confirmed by the order dated 18.5.1992 passed by ~~the Revisional Authority~~ are being impugned in the present application.

2. A reply has been filed on behalf of the respondents and Shri Darda has been heard in this petition.
3. In the application it is averred that the Appellate Authority did not give a personal hearing ~~is~~ to the applicant. This allegation ~~not~~ denied in the reply filed. Further more, the allegation finds support.

(4)

O.A.546/92.

from a bare reading of the Appellate order itself.

~~For~~ in it we do not find any mention of the fact that the applicant was heard personally.

4. In view of the judgment of the Supreme Court in Ramchandar's case the Appellate Order is not sustainable. The Appellate Authority shall rehear the appeal after giving a personal hearing to the applicant.

5. The application is allowed. The order of Appellate Authority is quashed. The order of ~~Revisional~~ Authority dated 18.5.1992 is also quashed.

6. The Appellate Authority shall dispose of the appeal as expeditiously as possible but not beyond ~~8~~ period of 4 months from the date of the presentation of certified copy of this order by the applicant before it. The applicant is permitted to transmit the certified copy of this order to the appellate authority under Regd. Post AD.

7. There shall be no order as to costs.


(M.Y. Priolkar)
MEMBER (A).


(S.K. Dhaen)
VICE CHAIRMAN.

ham/-.