

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 61 OF 1993.

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DATE OF DECISION: SEPTEMBER 13, 1995.

Shri Natvarlal Bagasvar, Petitioner

Shri S. P. Kulkarni, Advocate for the Petitioner

Versus

Union Of India & Others, Respondents

Shri P. N. Chandurkar, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.

The Hon'ble Shri P. P. Srivastava, Member (A).

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

NO

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(M. S. DESHPANDE)
VICE-CHAIRMAN.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP : NAGPUR

ORIGINAL APPLICATION NO.: 61 OF 1993.

Shri Natvarlal Bagasvar

... Applicant

Versus

Union Of India & Others

... Respondents.

CORAM :

Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.

Hon'ble Shri P. P. Srivastava, Member (A).

APPEARANCE :

1. Shri S. P. Kulkarni,
Counsel for the applicant.
2. Shri P. N. Chandurkar,
Counsel for the respondents.

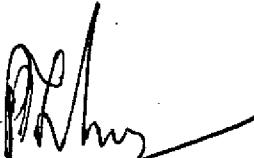
ORAL JUDGEMENT

DATED : SEPTEMBER 13, 1995.

¶ PER.: SHRI M. S. DESHPANDE, VICE-CHAIRMAN ¶

1. The applicant was working as a Head Clerk and he came to be charge-sheeted for unauthorised absence, bad record in attendance and irresponsible behaviour in working. The Enquiry Officer made a report against the applicant on 15.07.1991 and the Disciplinary Authority by the order dated 26.09.1991 after recording his agreement with the findings recorded by the Enquiry Officer held the applicant guilty and passed an order bringing him down to the post of Senior Clerk in the scale of Rs. 1200-2040 (RPS) on pay of Rs. 1200/- per month for a period of 4 years with cumulative effect with a further direction that he would loose his seniority on restoration to the post from which he had been reduced. The appeal filed by the applicant was rejected on 1.11.1991.

2. The Learned Counsel for the applicant took us through the material which was before the Enquiry Officer and also urged that no personal hearing was granted to the applicant by the Appellate Authority before deciding the appeal. It is clear from the observations of the Supreme Court in Ramchandran V/s. Union Of India | AIR 1986 SC page 1173 | that personal hearing should be granted before deciding the appeal and the principles of natural justice have to be observed. Since this was not done, we set aside the Appellate Order and direct the Appellate Authority to grant a personal hearing to the applicant and thereafter pass a reasoned order deciding the appeal. This shall be done within a period of three months from the date of receipt of a copy of this order. With this direction, the O.A. is disposed of.



(P.P. SRIVASTAVA)

MEMBER (A).



(M. S. DESHPANDE)

VICE-CHAIRMAN.