

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO: 652/93
TR.A.NO.

199

DATE OF DECISION 7.9.1993

Shri J.F.Borkar

Applicant(s)

Versus

Director General, Ordnance Factory,
Calcutta & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? N
2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not ? N

b. Savara
(MS.USHA SAVARA)

MEMBER (A)

M.S. Deshpande
(M.S.DESHPANDE)

VICE CHAIRMAN

mbm:

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR



OA.NO. 652/93

Shri J.F.Borkar

... Applicant

V/S.

Director General,
Ordnance Factory,
Calcutta & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri M.M.Sudame
Advocate
for the Applicant

Shri Ramesh Darda
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 7.9.1993

(PER: M.S.Deshpande, Vice Chairman)

The points which have been agitated in the case are that there is no adequate evidence to justify the finding of guilt, and secondly, the punishment of dismissal was entirely disproportionate to the charge that the applicant had assaulted and used abusive language. We were taken through the record and we find that this is not a case of no evidence and there was some material on record on which the findings of guilt could be supported and we cannot therefore interfere with the decision of the authority.

2. Shri Sudame for the applicant, however, urged that the applicant was not given a personal hearing and if that were to have been given by the appellate authority, the punishment would not have been as severe in respect of this solitary incident as has been imposed.

3. We find that in the circumstances a personal hearing ought to have been given to the applicant. In the light of submission made before us, the personal hearing should be limited to the quantum of punishment. Shri Darda states that a personal hearing can be given and an appeal can be decided afresh within three months from today.

4. We, therefore, direct that the ~~proper appellate~~ authority should give a personal hearing only on the question of quantum of punishment to the applicant and dispose of the appeal within three months from today. With this direction, the OA. is disposed of.

U. Savara
(MS.USHA SAVARA) 7.9.93
MEMBER (A)

M.S. Deshpande
(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.