

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 337/98

FRIDAY the 12th day of April 2002

CORAM: Hon'ble Shri B.N. Bahadur, Member (A)

Hon'ble Shri S.L. Jain, Member(J)

A.G. Hoval
Head Luggage Clerk
Mumbai, CST.

...Applicant

By Advocate Shri K.B. Talreja.

V/s

1. The Union of India through
The General Manager,
Central Railway,
Mumbai CST, Mumbai.

2. The Divisional Railway Manager
Central Railway,
Mumbai CST, Mumbai.

...Respondents

By Advocate Shri Suresh Kumar

ORDER (ORAL)

{Per S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunal's Act 1985, to quash and set aside the order of Disciplinary authority and Appellate Authority dated 25.9.1997 and 9.2.1998 ^{respectively} and the finding drawn by the Enquiry Officer with direction to pay cost.

2. On perusal of appeal (Annexure A -3) in last para the applicant has stated as under:

I also request your goodself to kindly permit me to see you along with my ARE so that I may be able to explain more in detail.

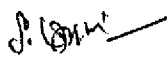
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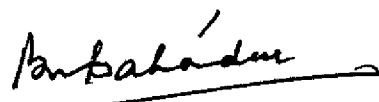
...2...

3. The learned counsel for the applicant raised the plea that personal hearing is the right of the applicant in appeal which was not provided to the applicant even when asked for without any reason by the Appellate Authority for rejecting the same. In view of the decision of the Apex Court Ramchandra's case Appellate Authority was to provide a personal hearing to the applicant before deciding the Appeal.

4. We are of the considered opinion that the order of the Appellate Authority which does not state the reason and failed to provide the hearing to the applicant when asked for, cannot be upheld in view of Ramchandra's case.

5. In the result the OA is partly allowed. Order of the Appellate Authority dated 9.2.1998 Annexure 2 is quashed and set aside. The Appellate Authority is directed to provide the applicant the personal hearing and thereafter to decide the appeal after considering all the questions raised in the appeal by a speaking order within a period of two months from the date of receipt of copy of the order. No order as to costs.


(S.L. Jain)
Member (J)


(B.N. Bahadur)
Member (A)

NS

Order/Judgement despatched
to Applicant department (s)
on 24/4/02

