

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 29.7.94.

OA 903/92
(OA 783/88)

MOOL CHAND ... APPLICANT .

vs.

UNION OF INDIA & ORS. ... RESPONDENTS .

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI J.K. KAUSHIK.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. Mr. Bhandari submits that there is sufficient material on record and from the statement of the applicant himself it is clear that the vacant seats were not given to the persons who were in the waiting list and were given to the person who were not even on the waiting list and who had no reservation. He has invited our attention to the statement of the applicant himself and the chart by which he submits that the case of the prosecution has been proved and the oral evidence is not necessary. We will not like to observe anything on this point. May it be so, but one thing is there that the two witnesses were examined namely S/Shri Kailash and Nawal Rungta but they were not cross examined as the defence counsel was not present.

2. We remit the case to the appellate authority and direct the appellate authority to call these witnesses namely S/Shri Kailash and Nawal Rungta and to allow the applicant to cross examine them and he should be allowed to take the assistance of his defence nominee. After the examination of the defence witnesses the appellate authority will pass necessary orders after hearing the applicant. Mr. Bhandari submits that the witnesses may not be available. That is a question which is to be decided by the

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appellate authority and no order can be passed at this stage. However, the appellate authority will be at liberty to ignore the oral statements of these witnesses if they are not available and he can pass necessary order on the basis of the remaining records. The appellate authority is directed to dispose of the matter within a period of six months from today.

3. The OA stands disposed of accordingly, with no order as to costs.



(O.P. SHARMA)
MEMBER (A)



(D.L. MEHTA)
VICE CHAIRMAN