

SUPREME COURT OF INDIA

J.L. Jain

Vs.

Union of India (Uoi)

(G.B. Pattanaik and U.C. Banerjee JJ.)

03.04.2000

ORDER

1. Leave granted.

2. An application for transfer had been filed by the petitioner of a pending case from one Bench of the Central Administrative Tribunal (Tribunal) to the other, which was registered as a miscellaneous application. The learned Chairman of the Tribunal without even hearing the applicant, dismissed the said application and, therefore, the applicant moved the High Court by filing a writ petition. The High Court having dismissed the writ petition, the appellant is before this Court.

3. We have no hesitation to come to the conclusion that an application for transfer registered as miscellaneous application could not have been disposed of by the Tribunal without hearing the applicant himself and, therefore, we set aside the impugned order passed by the High Court and that of the Chairman of the Tribunal and direct that the application for transfer may be predisposed of after giving an opportunity of hearing to the applicant.

4. Needless to mention, we express no opinion on the merits of the case for transfer. This appeal stands disposed of accordingly.