COMMISSIONER, SALEM MUNICIPALITY   A

v.

T. KURALMANI AND ANR.

OCTOBER 30, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]   B

Practice and Procedure :

Administrative Tribunal—Summary disposal—Held, Tribunal was not justified in summarily disposing of the matter without considering rival con- C
tentions deserving consideration.

The appellant filed the appeal by special leave against the order of the Tamil Nadu Administrative Tribunal disposing the matter summarily.

Allowing the appeal and remitting the matter to the Tribunal for   D
disposal, this Court

HELD : 1.1. The Tribunal, by the impugned order, was not justified in summarily disposing of the matter without considering the rival contentions which in the background of the facts of this case, ought to be gone into. [564-A]   E

1.2. The Tribunal is free to consider the entire controversy in the light of the Government order and pass appropriate orders according to Rules. [564-B]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 9879 of   F
1995.

From the Judgment and Order dated 10.1.95/24.2.95 of the Tamil Nadu Administrative Tribunal, Madras in O.A. No. 3427 of 1990.

R. Mohan and V.G. Pragasam for the Appellant.   G

T. Raja for the Respondents.

The following Order of the Court was delivered :

Leave granted.   H

A   Having heard the learned counsel on both sides, we think that the Tribunal, by the impugned order, was not justified in summarily disposing of the matter without considering the rival contentions which in the background of the facts of this case, ought to be gone into. Under these circumstances, the order of the Tribunal dated 10.1.1995 made in O.A.

B   3427/90 is set aside. The matter is remitted to the Tamil Nadu Administrative Tribunal, Madras, for a fresh disposal according to law. It is made clear that we are not expressing any opinion on merits and the Tribunal is free to consider the entire controversy in the light of the Government order and pass appropriate orders according to Rules.

C   The appeal is allowed accordingly. No costs.

R.P.   Appeal allowed.