

THE HON' BLE SRI JUSTICE M. S. K. JAISWAL

CMA.NO. 722 OF 2012

JUDGMENT:

This appeal is disposed of on the short point, namely, as to whether the judgment pronounced by the learned Endowments Tribunal, Hyderabad on 07-07-2012 is in accordance with the requirements of law, in as much as the matter, which was disposed by the two learned Members of the Bench, was in fact heard by only one Member of the Bench, but the other Member of the Bench, who subscribed his signature to the judgment did not hear the matter.

2. Briefly, the fact is that the O.A.No.782 of 2010 on the file of the A.P. Endowments Tribunal, Hyderabad was posted for hearing in the month of April, 2012, and at that time Sri C.Raghupathi, was the Member, who heard the matter along with the Presiding Officer of the Tribunal. The matter was posted for judgment on 27.04.2012, but on that date the judgment could not be pronounced, and the matter was adjourned to 30.04.2012, and on that date also the judgment was not pronounced and the matter was adjourned to 02.06.2012. In the meanwhile, on 30.04.2012, Sri C.Raghupathi, the Member who heard the matter retired on superannuation. Subsequently, in the month of May, 2012 new Member - Sri T.Chandra Kumar joined duty on 16.05.2012. Subsequently, the O.A. was adjourned to 11.06.2012 for further hearing, which according to the appellant was not taken up for hearing, and ultimately the judgment was pronounced on 07.07.2012.

3. A careful perusal of the report of the learned Chairman of the Tribunal, along with the material available on record, clearly shows

that after the new Member assumed duty, though the matter underwent two adjournments, no arguments are heard by the Chairman and the Member of the Bench which disposed of the matter. In that view of the matter, the impugned Judgment (Award) under appeal cannot be sustained and the same needs to be set aside, on this ground alone.

4. In view of the above, without going into the merits of the matter, the appeal is allowed and the matter is remanded to the Tribunal for fresh disposal, after hearing both sides and in accordance with law. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Dt.24-10-2017
Kv

M.S.K.JAISWAL, J.



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