

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE**

ORIGINAL APPLICATION NO.170/01661/2018

DATED THIS THE 16TH DAY OF OCTOBER, 2019

**HON'BLE DR K B SURESH....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (A)**

Sri.G.Krishna Murthy,
S/o Late G.Basanna,
Aged about 57 years,
Working as
Senior 'SSA' (now dismissed illegally)

Residing at C/o Manji Rudrappa,
Gouli Hatti Ganesha
Temple Street,
Bruce Pet
Bellari-583 101.

...Applicant

(By Advocate Paanchanjanya & Associates)

Vs.

1. Union of India

Represented by its Secretary,
Employees Provident Fund Organisation,
New Delhi-110 052.

2. Additional Central Provident Fund

Commissioner-I and Appellate Authority,
Karnataka and Goa State,
Bangalore-560 013.

3. Regional Provident Fund Commissioner-I

Regional Office

Kalaburgi-585 101.

...Respondents

(By Advocate Smt.Shwetha Anand, Counsel for Respondents)

ORDER (ORAL)

HON'BLE DR K B SURESH, MEMBER (J)

Heard. Only question which is worthwhile to look into is that the last but two lines of the Appellate Authority's order. He says "**In view of the above, I hereby order for a denovo enquiry without setting aside the punishment awarded by the Disciplinary Authority.**" Quite obviously it is not legally correct. A denovo enquiry can be ordered only on a fair playing field. With a Damocles sword of punishment hanging over him there is no purpose of holding a denovo enquiry. The denovo enquiry as the name suggests is a fresh enquiry even though on the same set of facts. Therefore, we quash this line and hold that Disciplinary Authority's punishment order is hereby quashed. But the denovo enquiry can be held and to be concluded within the next 6 months. The benefit of punishment being quashed also shall visit the applicant within the next one month. It is to be noted in this connection that unless a person is able to sustain himself he will not be in a position to face disciplinary enquiry and charges framed against him. It is, therefore, of utmost importance that while facing the enquiry applicant must be able to sustain himself. The consequential orders on this will be passed within the next one month before commencement of the denovo enquiry and within 6 months thereof the enquiry should also be concluded.

2. The OA is disposed as above. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR K B SURESH)
MEMBER (J)

/rsh/

Annexures referred to by the Applicant in OA No.170/01661/2018

- Annexure A1: Copy of the Charge Memo dated 15.5.2014
- Annexure A2: Copy of the Reply to the Charge Memo dated 22.05.2014
- Annexure A3: Copy of the Enquiry Report dated 21.04.2016
- Annexure A4: Copy of the Defense Statement dated 07.03.2016
- Annexure A5: Copy of the Show Cause Notice 29.4.2016
- Annexure A6: Copy of the Detailed reply to the Show Cause Notice 27.06.2016
- Annexure A7: Copy of the Dismissal Order dated 23.09.2016
- Annexure A8: Copy of the Appeal
- Annexure A9: Copy of the order dated 21.03.2017
- Annexure A10: Copy of the Tribunal order dated 01.02.2018 IN OA No.170/00214/2017
- Annexure A11: Copy of the order dated 20.08.2018.