

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

R.A. NO. 152/2001  
M.A. NO. 784/2001  
O.A. NO. <sup>in</sup> 1781/1996

(K)

New Delhi this the 20th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Chander Mohan Sareen ... Applicant

(By Shri V.S.R.Krishna, Advocate)

-versus-

Govt. of N.C.T. of Delhi & Ors. ... Respondent

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

Applicant by the present application seeks review of an order passed on 29.2.2000 in OA No. 1781/1996. By the order penalty of dismissal from service imposed upon applicant in disciplinary proceedings conducted against him has been maintained and the OA has been dismissed. Aforesaid order was passed while counsel on both sides were absent.

2. In the instant case, the enquiry officer had found the charge of unauthorised absence as proved against applicant. Based on the enquiry report, the disciplinary authority by his order of 4.3.1992 had imposed the aforesaid penalty of dismissal from service. Applicant had carried the order to the appellate authority. The appellate authority by his order of 9.8.1994 remanded the matter back to the disciplinary authority on the ground that non-furnishing of the copy of the enquiry report to the applicant before passing of the orders by the disciplinary authority violated the principles of natural justice. On remand, applicant was furnished a

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copy of the enquiry report on 2.12.1994 for offering him an opportunity to make his representation against the same. Applicant by his letter of 29.12.1994 submitted a copy of his appeal dated 22.5.1992 made to the appellate authority and requested that the same be considered as his representation against the report of the enquiry officer. The disciplinary authority, however, did not consider the said representation contained in the appeal of 22.5.1992 and has proceeded to impose upon the applicant aforesaid penalty of dismissal from service by his order of 7.3.1995.] Non-consideration of the aforesaid representation contained in the appeal has resulted in causing breach of the principles of natural justice. Aforesaid contention, it is submitted, though has been taken in the OA, has remained to be considered in the order under review.

3. In our view, having regard to the aforesaid contention raised, we find that a just and valid ground has been made out for review of the order. In the circumstances, the order passed on 29.2.2000 in OA No. 1781/1996 is recalled and aforesaid OA is directed to be placed on board for a fresh hearing on merits and in accordance with law.

4. Present review application is accordingly disposed of.

V.K.Majotra  
( V.K. Majotra )  
Member (A)

Ashok Agarwal  
( Ashok Agarwal )  
Chairman

/as/