

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

O. A. No. 404/86 .. Date of decision: 3.6.1992.

Sh. Malkiat Singh .. Applicant

Versus

U.O.I.- M/o Railways .. Respondents.

CORAM

HON'BLE SH. JUSTICE RAM PAL SINGH, VICE CHAIRMAN (J)

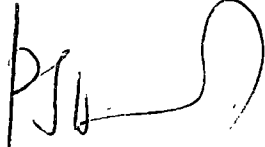
HON'BLE SH. HABEEB MOHAMMED, MEMBER (A)

J U D G E M E N T

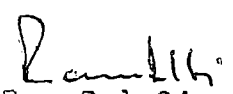
In the absence of the counsel for the applicant, we have perused the entire records and also heard the arguments of Shri K.N.R. Pillai, the learned counsel for the respondents. Previously, the applicant had filed T.A. No. 1218/85 which was decided on 21.3.1986. In that case, the grievance of the applicant was that he had not been supplied with a copy of the order passed by the disciplinary authority to enable him to file an appeal before the Appellate Authority. The Bench, therefore, directed to supply the said copy to the applicant. The applicant was given liberty to file an additional appeal before the Appellate Authority. Now in this OA, the applicant is aggrieved by the order passed by the disciplinary authority on 21.6.85 by which the applicant was found guilty of the charges and was removed from service. Nowhere in the impugned order it is contended that a copy of the enquiry report was supplied to the applicant before the penalty was imposed upon him. The law on this point has been finally settled by the Apex Court in Mohammed Ramzan Khan's case (A.I.R. 1991- S.C. Page 471).

*Ramkh*

2. We, therefore, quash the order passed by the disciplinary authority and also the order passed by the appellate authority. However, we make it clear that the respondents shall not be procluded from continuing the proceedings from the stage of supply of a copy of the enquiry report to the applicant. The applicant shall be placed in the position he was before the impugned order was passed against him. The O.A. is thus, disposed of but the parties shall bear their own costs.

  
( P.S. Habeeb Mohammed )

Member (A)

  
( Ram Pal Singh )

Vice Chairman (J)