

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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....

O.A.NO. 1661/87

DATE OF DECISION: 21.01.1992.

SHRI KRISHAN KUMAR

....

APPLICANT

VERSUS

U.O.I. & ORS.

....

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

COUNSEL FOR THE APPLICANT : SH. A.K. BHARDWAJ

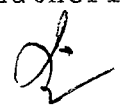
COUNSEL FOR THE RESPONDENTS : SH. I.C. SUDHIR

(ORAL JUDGEMENT)

Heard the learned counsel for both the parties.

The applicant was charge sheeted by a memo dated 31.12.1984 as in a Vigilance Check, he was found to have not properly accounted the non-issued tickets. After holding the departmental enquiry, the Disciplinary Authority imposed the penalty of dismissal from service on the applicant vide order dt. 31.3.1987, and sent a copy of the enquiry report, alongwith the said order to the applicant. The applicant filed an appeal on 14.5.1987 before the Competent Authority which was rejected vide order dt. 10.06.1987.

2. The Law declared by the Hon'ble Supreme Court in U.O.I. & Ors. Vs. Mohd. Ramzan Khan J.T. 1990(4) S.C. 456 is that a copy of the enquiry report should be supplied to the government servant to enable him to file a representation before the Disciplinary Authority,




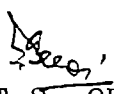
before the said authority make up its mind to impose the penalty. This view taken by the Tribunal in its Full Bench judgement in Prem Nath Sharma T.A.No.2/86 decided on 6.11.1987 has been confirmed.

3. In view of the above, the order dt. 31.3.1987 (Annexure-A) and Appellate order dt. 10.6.1987 (Annexure-B) passed by the respondents are held to be violative of the principles of natural justice and are, accordingly, set-aside & quashed. This, however, will not preclude the respondents from pursuing the enquiry proceedings from the stage of supply of the copy of enquiry report onwards, in accordance with the law.

4. The above order shall be carried out most expeditiously but preferrably within 8 weeks from the date of communication of this order.

5. O.A. decided as above, with no orders as to costs.


(I.K. RASGOTRA)
MEMBER(A)
21.01.92


(T.S. OBEROI)
MEMBER(J)
21.01.92

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