

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI.

O.A.No.386/87

DATE OF DECISION: 25th November, '91.

SHRI K.K. DEWAN

- APPLICANT.

VS.

U.O.I. - M/O COMMERCE.

- RESPONDENTS.

CORAM:

1. Shri KAUSHAL KUMAR - HON'ble VICE CHAIRMAN.

2. Shri J.P. SHARMA - HON'ble MEMBER (JUDL.)

FOR THE APPLICANT - Shri E.X. JOSEPH.

FOR THE RESPONDENTS. - Shri N.S. Mehta, Senior Standing Counsel.

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT.

(DELIVERED BY SHRI KAUSHAL KUMAR, HON'BLE VICE CHAIRMAN).

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant who was a Deputy Director (Disposals) in the Office of the Directorate General of Supplies & Disposals, New Delhi, has challenged the order dated 2nd September, 1985 by which the penalty of compulsory retirement was imposed upon ^{him} and the order dated 22nd September, 1986 passed by the revisional authority rejecting his revision petition. It is contended on behalf of the applicant that no copy of the Enquiry Report was furnished to the delinquent official before imposition of the penalty. This point is conceded by the learned counsel appearing on behalf of the respondents. In U.O.I. & Ors. Vs. Mohd Ramzan Khan 1990 (2) SCALE Page 1094, the Supreme Court observed as follows :-

"Para 18. We make it clear that wherever there has been an Inquiry Officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a copy of such report and will also be entitled to make a representation against it, if he so desires, and non-furnishing of the report would amount to violation of rules of natural justice and make the final order

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liable to challenge hereafter".

2. In the circumstances, we quash the order of the disciplinary authority as also the order of the revisional authority referred to above. We would, however, clarify that this order will not preclude the disciplinary authority from revising the proceedings and continuing with it in accordance with law from the stage of the enquiry report.

There shall be no order as to costs.

J.P. Sharma

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(J.P. SHARMA)
MEMBER (JUDL.)

KAUSHAL KUMAR

VICE CHAIRMAN.