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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH N/DELHI

O.A.No.112/91

DATE OF DECISION 13.8.92

Sh.D.N.Kaushik

Applicant

Sh.Shyam Babu

Counsel for the applicant.

V/s

Mrs.Geeta Luthra with
Sidharth Luthra and
Mr.Govarddharan

Counsel for the
respondents.

CORAM

The Hon'ble Mr.Justice Ram Pal Singh,Vice Chairman(J)

The Hon'ble Member Mr.I.P.Gupta, Member(A)

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

2.To be referred to the Reporter or not?

JUDGEMENT (ORAL)

Vigilance inquiry was conducted by the respondents against the applicant in regard to the matter wherein it was alleged that one Smt.Santosh Kumari visited the Police Station, Timarpur on 13-7-89 to ascertain whereabouts of her husband and to file report but no FIR was lodged and she was badly treated. Show cause notice was duly given to the applicant. The applicant has given his representation on this show cause notice. Thereafter, the minor penalty was imposed. The applicant submitted an appeal and Appellate order was passed on 24-4-90 rejecting the appeal of applicant. The short point

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raised by the learned counsel for the applicant was that having conducted a vigilance inquiry the applicant should have been made aware of the findings of this inquiry.

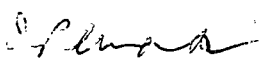
More so, when it was relied upon in passing of the orders of penalty and rejection ^{of} the appeal.

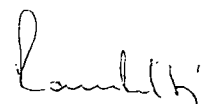
The learned counsel for the respondents contended that for imposing of a minor penalty, no inquiry as such is mandatory but fact finding ^a inquiry can be ^{done} given ⁱⁿ to ascertain the basic facts to facilitate formation of chargesheet. The Vigilance inquiry was just in the nature of fact finding inquiry in regard to an item which had appeared in local daily (Hindi Jan Satta). This matter was fully mentioned in the show cause notice and applicant had full opportunity to represent. He was even given personal hearing in the case before imposition of minor penalty.

Analysing the facts of the case we agree with the learned counsels for the respondents that for imposing of minor penalty, no inquiry as such is warranted. However the fact remains that Vigilance inquiry mentioned in the show cause notice of the order of the penalty was not only in the nature of fact finding inquiry but certain findings were ^{made} and

it has been mentioned clearly in the order dated 18-12-89 that " allegations levelled against the SHO have been sub-stantiated during the enquiry conducted by the Vigilance Branch. Having fully relied on such a Vigilance inquiry and its findings the principle of natural justice demanded that ^{the} applicant should have known the finding of the vigilance inquiry. Therefore, if he was not made aware of the findings, by supply of a copy, the principle of the natural justice will be contravened and if that be so the order for imposing the penalty of censure can not be sustained. We, therefore, on the premise mentioned above, set-aside the order of censure but would like to add that respondents are not precluded from continuing with the disciplinary proceedings. A copy of Vigilance Branch report to the applicant be given to him with an opportunity to represent and also be heard in person, if he so desire. If Vigilance Branch inquiry report, as stated by the learned counsel for the respondents, is secret in nature and can not be given the order of censure cannot be sustained, based as it is on the finding of the vigilance inquiry.

With the above observations and direction the application is disposed of with no order as to costs.


(I.P. GUPTA)
MEMBER(A)


(RAM PALS INGH)
VICE CHAIRMAN(J)