

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

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OA NO. 1533/91

DATE OF DECISION: 21.1.1992.

JANKI

....APPLICANT

VERSUS

UNION OF INDIA

....RESPONDENTS

CORAM:

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

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

FOR THE APPLICANT

NONE

FOR THE RESPONDENTS

SHRI RAJESH, COUNSEL.

JUDGEMENT(ORAL)

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

Heard the learned counsel for the respondents.

Although the learned counsel for the applicant is not present, we have gone through the application carefully. The main grievance of the applicant is that he was removed from service vide order dated 18.9.1990 and that the Divisional Superintending Enginner did not supply a copy of the ^{report} enquiry ^{to} the applicant and straightway proceeded to "fastening the guilt and imposing the penalty." He has prayed for the ~~relief~~ relief that the impugned order be quashed and the respondents be directed to reinstate the applicant in service with all consequential benefits.

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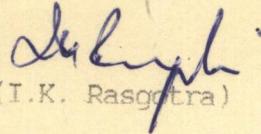
The learned counsel for the respondents submitted that the applicant was removed from service on 18.9.1990. He filed appeal before the appellate authority on 10.10.1990. The appellate authority directed the appellant to appear in person on 10.5.91 for personal hearing as prayed for by the applicant. ^{of the} However, without ~~availing~~ / mandatory provision he proceeded to file the O.A. in the Tribunal on 18.4.1991. The learned counsel, therefore, stated that the application is pre-mature and should be dismissed with the direction to the respondents that the appeal filed by the appellant be decided within a specific time frame.

We have considered the matter carefully and are not inclined to go along with the submissions made by the learned counsel for the respondents. It is evident from the Annexure A -1, the impugned order, that the report of the enquiry officer in three pages was supplied to the applicant alongwith the order of the disciplinary authority. The procedure adopted by the respondents, therefore, was in violation of the principles of natural justice and also in violation of the law declared by the Hon'ble Supreme Court in U.O.I. & ORS. Vs MOHD.RAMZAN KHAN, JT 1990(4)SC-456.

In the circumstances the impugned order dated 18.9.90 is hereby set aside. The respondents, however, are not precluded to proceed with the enquiry from the stage of supplying a copy of the enquiry report to the delinquent official and take further action in accordance with law.

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The O.A. is disposed of, as above, with no
order as to costs.


(I.K. Rasgotra)

Member(A)

21.1.92.



(T.S. Oberoi)

Member(J)

21.1.92.

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