

18 (9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

O.A. No. 2150/91

Date of decision: 5.5.1992.

Shri O.S. THAPA

.. Applicant

Shri S.N. Saharya

.. Counsel for the Applicant

Versus

Union of India & Others .. Respondents

Shri Jog Singh

.. Counsel for the Respondents.

CORAM

HON'BLE SH. JUSTICE RAM PAL SINGH, VICE CHAIRMAN  
HON'BLE SH. I.P. GUPTA, MEMBER(A)


JUDGEMENT (Oral)

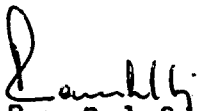
(Delivered by Hon'ble Sh. Justice Ram Pal Singh, V.C.(J))

In this O.A. the applicant challenges the order of the Disciplinary Authority and the Appellate Authority. The applicant is a driver and he was allegedly involved <sup>in</sup> the accident of a station wagon which he had taken away unauthorizedly. After the departmental enquiry, the disciplinary authority terminated the services of the applicant by passing the order of removal. The applicant has raised the ground in the O.A. that he was not supplied with a copy of enquiry report before the imposition of the penalty. The Respondents in their counter have not specifically denied this ground. It is obvious from the order passed in Annexure-I dated 30.5.90, that a copy of the enquiry report was supplied to the applicant only alongwith the final order passed by the disciplinary authority imposing the penalty upon him. Another ground in the O.A. is that the applicant was not given an opportunity of being heard by the disciplinary authority before the imposition of penalty. But the impugned order contends that the applicant was heard.

2. The supply of enquiry report before the imposition of the penalty is based upon principle of natural justice, since after receiving the copy of the enquiry report, the applicant can put up his defence before the disciplinary authority. It is settled that non-supply of enquiry report is in violation of the rules of natural justice.

3. We, therefore, allow this O.A. and quash the impugned order of punishment and also the appellate order. However, the disciplinary authority is not precluded from taking up the departmental enquiry from the stage of supply of enquiry report to the applicant and even if the opportunity of personal hearing was given to the applicant, another opportunity be given to him and he should be heard personally before the disciplinary authority passes the final order. The applicant shall be reinstated in the position he was before when the order of removal was passed. Parties to bear their own costs.

  
( I.P. Gupta )  
Member (A)

  
( Ram Pal Singh )  
Member (J)