

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1600/1992

Date of decision: 12.05.1993

Shri Virender Singh & Others

... Applicants

Versus

Union of India & Others

... Respondents

For the Applicants

... Shri B. S. Mainee, Counsel

For the Respondents

... Shri R. L. Dhawan, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S. K. DHAON, VICE CHAIRMAN  
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. Justice  
S. K. Dhaon, Vice-Chairman)

Disciplinary proceedings had been initiated against the petitioners. The Enquiry Officer submitted his report. The punishing authority on 24.06.1992 forwarded a copy of the Enquiry Officer's Report to the petitioners and asked them to give their comment within a period of 15 days.

The petitioners came to this Tribunal at that stage and obtained <sup>an</sup> interim order that the final order be not passed in the disciplinary proceedings.

2. The arguments is that the Enquiry Officer has exonerated the petitioners and, therefore, it is implicit that in the show cause notice the punishing authority disagreed with the findings recorded by the enquiry officer. The punishing authority having failed to record any reason, the show cause notice is bad. The other argument is that,

(10)

he having made up his mind already, no useful purpose will be served by the petitioners submitting their explanation to the punishing authority.

3. Having heard the learned counsel for the parties, we are of the opinion that this application is a slightly misconceived one. The petitioners have approached this Tribunal on a mere apprehension. The disciplinary authority, it appears, has given a show cause notice in a routine manner. He has not applied his mind at all. If he is really intending to disagree with the report of the enquiry officer, it shall give a fresh notice to the petitioner stating his reasons and thereafter the petitioners will have a right to file a detailed objections. The punishing authority shall examine the Enquiry Officer's Report with an open mind and pass orders keeping in view the explanation offered by the petitioners. He shall act strictly in accordance with law.

4. The petitioners apprehend that the punishing authority will necessarily pass orders against them. We are not inclined to accept this submission. We have not doubt that the punishing authority will act fairly.

5. With these observations, this petitioner is dismissed. It will be open to the petitioners to challenge the legality and propriety of the order of the punishing authority if passed against them, before an appropriate forum.

*Pradip*  
(S.R. ADIVE)  
MEMBER (A)  
12.05.1993

*Sly*  
(S.K. DHAON)  
VICE CHAIRMAN  
12.05.1993

RKS  
120593