

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 262/92

Date of decision: 8.5.92

Ishwar Singh

.. Applicant.

Versus

Union of India & others .. Respondents.

Sh.S.C.Jain .. Counsel for the applicant.

None for the respondents.

JUDGEMENT (ORAL)

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

Notice was issued to the respondents but none appeared for the respondents, hence the 1d. counsel for the applicant is heard ex-parte. The ground taken in the O.A. is that the applicant was not supplied with a copy of the enquiry report before passing of a final order, by the disciplinary authority. The Enquiry Officer supplied the report to the disciplinary authority and the disciplinary authority, without calling upon the applicant or affording any opportunity to him of being heard, passed the impugned order and imposed penalty. Thus, the principles of natural justice have been violated. In the absence of any reply from the respondents, we had to accept the fact that the copy of the enquiry report was not supplied to the applicant by the Enquiry Officer before he submitted his report to the disciplinary authority. In such a situation we have no option but to quash the impugned order of the disciplinary authority as well as of the appellate authority. However, we make it clear that the disciplinary authority shall be at liberty to proceed with the departmental enquiry from the stage of the supply of the enquiry report to the applicant. The O.A. is accordingly disposed ~~at the administrative stage~~ with no order as to costs.

I.P.Gupta
(I.P.GUPTA)
MEMBER(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)