

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.264 of 1993

New Delhi, this 19th day of February, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN(J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

Harkesh Singh
S/o Shri Baboo Ram Singh
R/o D-64 Central Jail, Tihar
New Delhi.

... Applicant

By Advocate: Shri G.D. Bhandari

versus

1. Delhi Administration through
the Secretary (Home)
(Home General Department)
5 Alipur Road (5 Sham Nath Marg)
Delhi.

2. The Inspector General of Prisons
Central Jail, Tihar
New Delhi.

... Respondents

By Advocate: Shri P.P. Khurana, proxy
counsel for Shri Jog Singh

O R D E R (ORAL)

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

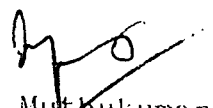
The main point that is taken in this O.A. is that the Enquiry Officer's report has not been furnished by the disciplinary authority when the impugned order was passed. By the impugned order the applicant was awarded punishment by the disciplinary authority agreeing with the findings of the Enquiry Officer's report withholding his next three annual increments of pay with immediate effect and appeal against that order was also rejected by the I.G.P., Central Jail, Tihar, New Delhi. It is seen from the annexures filed, that the order was passed on 14.7.87 and the copy of the report was furnished by him only on 1.9.87. Though a faint attempt has been made in the


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counter reply that the copy of the reply was duly supplied to the applicant, learned proxy counsel for respondents has fairly conceded that in view of Annexure A-12 letter dated 1.9.87 it cannot be stated that copy of the report was supplied before the order passed by the disciplinary authority imposing the penalty.

3. By virtue of the decision of the Supreme Court in *Managing Director E.C.I.L. Vs. B. Karunakar* [JT 1993 Vol.6 SC.11] the order passed by the disciplinary authority without ^{supplying} the Enquiry Officer's report would vitiate the order passed by him. We quash the impugned order. We further direct the respondents to continue the process of enquiry from the stage of calling for explanation from the delinquent on the findings given by the Enquiry Officer and complete the enquiry within a period of four months from the date of receipt of a copy of this order.

4. The O.A. is accordingly allowed to the extent stated above. No order as to costs.


(K. Muthukumar)
Member(A)


(V. Rajagopala Reddy)
Vice Chairman(J)

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