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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 737 of 1986

Lal Bahadur Singh Applicant.

Versus

Union of India and others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

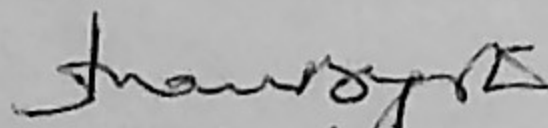
The applicant who was a Mail Overseer in Postal Department on attaining the age of 55 years earlier applied for voluntary retirement on medical leave, but before this matter should be finalised, he was charge-sheeted on 26.8.1983. The charge against the applicant was that he admitted that he has not sent any information although he joined at Sirsa on 11.9.1981 and further inspite of the letter dated 28th November, 1981 having been sent to him he has neither acknowledge nor given any explanation for continuously over-staying in contravention of Rule 63 of P & T Manual, Volume-III read with Rule 25 (II) of Central Civil Services Leave Rules, 1972. The applicant has submitted his reply and under the departmental proceeding, the applicant was held guilty of the charge and was removed from service. The his appeal has dismissed and thereafter he approached applicant has filed an appeal and to this Hon'ble Tribunal against the same charge in which he has challenged the enquiry proceedings on various grounds. One of the ground taken by the applicant was that no copy of the enquiry officer's report was supplied to the applicant before the disciplinary authority passed the order. With the result, ~~one of the grounds taken by the applicant was that no copy of the enquiry officer's report was supplied to the applicant before the disciplinary authority passed the order.~~ that he was prevented from making any effective representation ^{against} the enquiry officer's report or against the punishment and thereby he was seriously punished for the violation of the princir

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of natural justice . In this connection reference ^{may} will be made to the case of Union of India Vs. Mohd. Ramzan Khan (1991) SC page 471, in which this view has been taken as the enquiry proceeding were still pending and the applicant has challenged the removal order and the enquiry proceeding before the Tribunal and the Tribunal has jurisdiction to interfere in the same and as such this pending matter is excluded with the phrase that the prospective effect has been used by the Hon'ble Supreme Court in Mohd. Ramzan Khan's case. In this case, a view was taken that the applicant was deprived on this opportunity to make the effective representation against the enquiry officer's report which he has questioned in a number of grounds. The applicants ^{- to be} deserved to be allowed. Accordingly the removal order dated 30.7.1985 and the

appellate order dated 7.2.1986 ^{one} is quashed. The applicant will be deemed ^{to be continuing} in service, ~~which will not preclude the respondents from going effect~~ ^{however, it is being made clear} with the enquiry officer. However, this will not preclude the disciplinary authority from proceeding with the matter from the state of supplying the copy of the enquiry report to the applicant giving him time to file the representation against the same. The application is being decided with the above terms with no order as to costs.


Member (A)

(n.u.)

Dt/- 6.9.1991.


Vice-Chairman.