

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration T.A. No. 914 of 1986
(O.S. 925 of 1983)

Ginni Lal Applicant.

Versus

Union of India, through the Secretary
to Govt. of India, Ministry of Defence
(Production) New Delhi Respondent.

Sri N.K. Nair Counsel for the applicant.
Sri K.C. Sinha Counsel for the Respondent.

Hon'ble Mr. D.K. Agrawal, J.M.
Hon'ble Mr. A.B. Gorthi, A.M.

(By Hon'ble Mr. D.K. Agrawal, J.M.)

Aggrieved by the punishment order dated 2.7.1980
passed by the Disciplinary Authority reducing in rank,
the applicant Sri Ginni Lal posted as 'Harness Worker-B'
in Ordnance Equipment Factory, Kanpur the aforesaid applicant
~~has~~ filed a civil suit no. 125 of 1983 in the court of Munsif
City, Kanpur for setting aside the punishment order confirmed
in appeal by an order dated 5.10.1980.

2. We have heard the learned counsel for the parties
and perused the record. We do not consider it necessary to
go into the merits of the case because we notice that one of
the grounds raised by the learned counsel for the applicant
is that before the disciplinary authority passed the
punishment order, the applicant had not been furnished with
the report of enquiry officer on the basis of which the
disciplinary authority proceeded to pass the impugned order.
The point stands settled by the latest decision of the
Hon'ble Supreme Court in the case of Union of India Vs. Hohd.

DKewal

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Ramzan Khan and others reported in Judgment Today 1990(4)

Supreme Court, 456. The Supreme Court, after consideration of earlier decisions held that the obligation to furnish a copy of the Enquiry ^{Report} in disciplinary proceedings before the disciplinary authority tends to pass an order of punishment is an obligation arising out of the principles of natural justice and remains unaffected by 42nd Amendment of the Constitution of India.

3. The application is, therefore, allowed and the impunged order dated 2.7.1980 as confirmed in appeal on 5.10.1980 is set aside. It shall be, however, open to the respondents to draw the proceedings from the stage immediately after submission of the enquiry report. The disciplinary authority, however, shall provide and opportunity to the to the applicant to make a representation against the report of the enquiry officer and thereafter, proceed to pass the punishment order, if any, in accordance with law. This suit is accordingly disposed of without any order as to costs.

Man Singh
Member (A)

Dated: 21.08.1991

Allahabad.

(n.u.)

DK. Agarwal
Member (J) 21.8.91