

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration T.A. No. 1463 of 1987  
( Writ Petition No. 15493 of 1984 )

Keshav Dayal ... .. Applicant.

Versus

Union of India and others ... .. Respondents.

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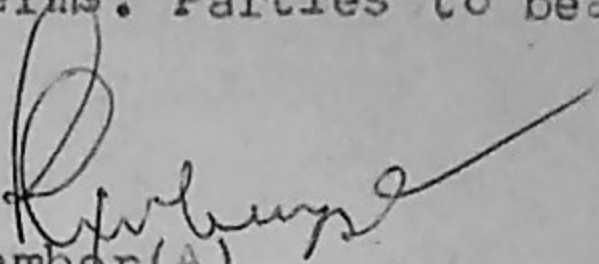
Hon'ble Mr. D.K. Agrawal, Member (J)  
Hon'ble Mr. K. Chayya, Member (A)

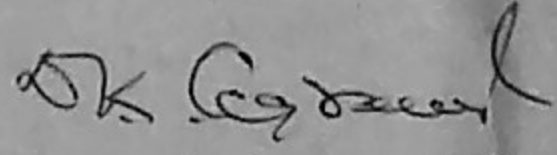
( By Hon'ble Mr. D.K. Agrawal, Member (J) )

This application under Section 19 of the Administrative Tribunals Act, 1985 is directed against an order of penalty dated 7.4.1984 passed by the disciplinary authority reducing the applicant to the next junior grade. The order of penalty was confirmed by the appellate authority vide order dated 22.8.1984. The order of the disciplinary authority reflects that the copy of the Enquiry Officer's Report was not furnished to the delinquent employee. The judgment of Hon'ble Supreme Court in the case of Mohd. Ramzan Khan makes it clear that furnishing a copy of the Enquiry Officer's Report is an obligation arising out of principles of natural justice and remains unaffected by 42nd amendment of the Constitution. In view of the said proposition of law, the order of penalty can not be maintained. Consequently, the order of penalty is hereby set aside. The disciplinary authority is directed to proceed from the stage of supply of the copy of the report of the Enquiry Officer and provide an opportunity to the delinquent employee to make a representation against the same, and proceed to decide the question of punishment order. The applicant shall be at liberty to approach us after exhausting the statutory remedy of appeal, if need be. The application is dis

*D.K. Agrawal*

with above terms. Parties to bear their own costs.

  
Member(A)

  
Member(J) 1.X.91.

Dated: 01.10.1991

(n.u.)