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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration T.A.No. 1869/87

Prem Chand Sachan Petitioner

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.B.Gorthi, A.M.

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

The applicant who was an Office Assistant in the Office of A.G.M., Telephones (Planning & Development) has filed writ petition against the punishment which was awarded to him by the Assistant General Manager, Telephones (Planning and Development) Kanpur. The applicant was promoted Officiating Jr. Accounts Officer, G.M.T. Kanpur by Director General, Posts & Telegraphs. The punishment awarded to him by the Assistant General Manager, Telephones (Planning & Development) Kanpur was that of stoppage of one increment without commulative effect for one year vide his order dated 20.5.1983. Against the aforesaid punishment order the petitioner filed an appeal which was dismissed on 18 November, 1983. The order was challenged in the writ petition which has been transferred to the Tribunal after coming into force Administrative Tribunals Act. There were 6 charges against him and all the 6 charges related to the 'Gherao', raising the slogans and intimidation of the officer concerned by the applicant alongwith

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few other persons.'

2. The applicant was suspended vide order dated 22.2.1982. After his suspension for his alleged act, the Enquiry Officer was appointed. The Enquiry Officer reported that the charges against him were not proved and he exonerated him. The other persons admittedly were let off and no action was taken against them. The matter was urged before the Punishing Authority which disagreed. Findings of the Disciplinary Authority and the punishment dt. 19/20.5.1983 have been challenged on variety of grounds. It is not necessary to enter into all the controversy. Disciplinary Authority decided to disagree with the findings of the Enquiry Officer. He should have given an opportunity to the applicant why he may not be punished, may it be a minor punishment. There was violation of natural justice which we also agree.

3. Our agreement on the decision of the Supreme Court of India in the case reported in 1969 Service Law Reporter page 657 in which it was held that Disciplinary Authority, in case differs with the Enquiry Officer, the opportunity has to be given to the delinquent officer before before passing the punishment order as per principles of natural justice.

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4. In this view we allow this application and quash both punishment order as well as appellate order dt. 19/20.5.1983 and 18.11.1983 referred to above. It is for the Disciplinary Authority to take further action for punishing the delinquent officer in case still necessary.

5. The application is accordingly allowed with the above observations. There is no order as to costs.

thank you

Member(A)

Dated: 15.3.1991

Allahabad

(ss)

Umesh Kumar
Vice Chairman