

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A.No. 490 of 1987

Suresh Bahadur Singh Applicant.

Versus

Union of India and others Respondents

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.)

This application under Section 19 of the Administrative Tribunals Act, 1985 is directed against the order of punishment dt. 12.10.1985, whereby, the petitioner has been removed from service as a result of enquiry under the Railway Servants (Discipline & Appeal) Rules, 1968.

The appeal against the punishment order and ~~the~~ removal from service was also dismissed vide order dt. 22.4.1987, therefore, the prayer is to quash the order of Disciplinary Authority as well as the Appellate Authority. The main ground of attack is that the report of the enquiry officer was not supplied to the delinquent employee before Disciplinary Authority proceeded to pass the order of punishment. Therefore, in terms of the principle of law enunciated ~~initiated~~ by the Supreme Court in the case of Union of India and others Vs. Mohd. Ramzan Khan, A.I.R., page-472

(SC), the order of the Disciplinary Authority is bad in law. It has also been urged that the order passed by the Appellate Authority is non-speaking order.

2. We have heard the learned counsel of the parties and perused the record. In view of the decision of the Supreme Court in Ramzan's case, we set aside the order of the Disciplinary Authority as well as the Appellate

Decided

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Authority and direct the Disciplinary Authority to pass the order of punishment, if any, after providing an opportunity to the petitioner to file a representation against the report of the enquiry officer. Since the report of enquiry officer has already been supplied to, we hereby direct that the petitioner shall make a representation, if any, within 30 days to the Disciplinary Authority. The Disciplinary Authority, in terms, shall pass the order of punishment, if any, as early as possible. The petitioner will, thereafter, exhaust the remedy of appeal, if so advised, ^{and} if still aggrieved can come to the Tribunal. The petition stands disposed of in terms of the above order.

Shanbhag

Member (A)

DK Agarwal
24.7.91.
Member (J)

Dated: 24.7.1991

(n.u.)