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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 527 of 1987

Vijay Bahadur Singh Applicant.

Versus

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

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was an employee of Ordnance & Clothing Factory, Shahjahanpur applied for L.T.C. advance for the block @ year 1982-85 for self and his family to visit Srinagar vide application dated 29.7.1982 but his LTC advance was refused due to his suspension from Government Service and due to a pending criminal case against him. After the criminal case ended and the applicant was reinstated in service with full benefits, a sum of Rs. 1065 was paid to the applicant as advance LTC on 7.1.1983. The applicant's family proceeded on journey on 10.1.1983 for Srinagar and returned on 22.1.1983. He submitted completion report on 14.3.1983 with ticket No. 52381 to 387 of 10.1.1983 from Shahjahanpur to Delhi and 26225 to 231 from Delhi to Jammu and No. 127 of 13.1.1983 from Jammu to Srinagar and back from Srinagar to Jamm and Jammu to Delhi 16786 to 791 on 20.1.1983 and Delhi to Shahjahanpur No. 00777 to 83 on 22.1.1983. It was latter on found that so far as the ticket Nos. from Shahjahanpur to Delhi is concerned, the same were wrongly given. Subsequently, the applicant moved an application before the enquiry officer giving the correct number of tickets. As the LTC of the applicant was cancelled and the amount of

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advance was recovered. Thereafter, the General Manager issued a charge-sheet against the applicant on 17.1.1984 containing some charges against him. The applicant refuted the charge and an enquiry officer was appointed and the enquiry officer has submitted his report to the Disciplinary Authority and the Disciplinary Authority, thereafter, passed an order retiring him from service, compulsorily. Thereafter, the applicant has approached to this Tribunal by means of this application.

2. The respondent has refuted the claim of the applicant and has stated that the findings are based on the material on record and has been correctly recorded. The applicant has challenged the jurisdiction of the General Manager who has retired him from service. He has also challenged the enquiry proceedings and one of the ground which has been taken by him is that the enquiry officer's report was not given to him which makes him enable to file effective representation. This contention has got to be accepted. In this case, the enquiry officer's report was not given to the applicant and the applicant has not been given any opportunity of being heard and to file effective representation. In this connection, a reference has made to the case of Union of India Vs. Mohd. Ramzan Khan, AIR 1991, SC, page 471 In this case, it has been held that wherever there has been an Inquiry Officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a copy of such report and will also be entitled to make a representation against it, if he so desires, and non-furnishing of the report would

amount to violation of rules of natural justice.

3. Accordingly, this application is allowed and the punishment order dated 23.5.1987 is quashed, and the applicant will be deemed to be continuing in service. However, it will be open for the disciplinary authority to go ahead with the enquiry proceedings after giving the enquiry officer's report to the applicant. The application is disposed of with the above observations. Parties to bear their own costs.

Shanbhag
Member(A)

Dated: 14.5.1992

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Vice-Chairman