

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

.....

(Registration O.A. No. 556 of 1987)

Nanhoo Prasad.....Applicant

Vs.

Sub Divisional Inspector,.....Respondents
Post Office, Gorakhpur

S.M.Srivastava.....Counsel for applicant

N.B.Singh.....Counsel for respondents

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

Hon'ble Mr. A.B. Gorthi, Member (A)

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

Aggrieved by the punishment order dated 6.3.1985 passed by the disciplinary authority, removing him from service, the applicant, Shri Nanhoo Prasad, posted as Extra Departmental Delivery Agent in Post Office Madanpur, District Gorakhpur, has filed his application under Section 19 of Administrative Tribunals Act 1985 for setting aside the removal order confirmed in appeal vide order dated 27.6.1985.

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 Hon'ble Supreme Court in the case of Union of India Vs. Mohd. 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 order is passed by the disciplinary authority is an


D.K. Agrawal

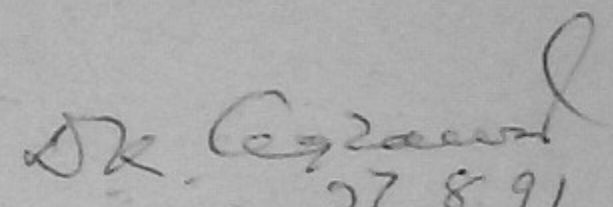
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obligation arising out of principles of natural justice and remains unaffected by 42nd Amendment of the Constitution of India.

3. In view of the settled law as indicated above the impugned order dated 6.3.1985 as confirmed in appeal on 27.6.85 has to be set aside. It shall, however, be open to the respondents to reopen the proceedings from a stage immediately after submission of the enquiry report. The disciplinary authority shall provide an opportunity to the applicant to make a representation against the report of the enquiry officer within the time to be specified. An order shall be passed thereafter in accordance with law by the disciplinary authority.

4. The claim is accordingly disposed of in terms of the order in preceding paragraph without any order as to costs.


Member(A)


27.8.91.
Member(J)

27th August, 1991.