

(5) (A2/1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH
ALLAHABAD.

O.A. NO. 1349 of 1988.

Suresh Kumar Gupta..... Applicant

Versus

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

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

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

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

The applicant while working as labour-B in the Store issue Section of the OEF Kanpur in the year 1987 was found absent from duty between the period 27.10.86 to 26.11.1986 which according to the applicant was caused because of the ill-ness of his child as well as of the applicant himself. Since there being no male member in the family of the applicant to take their care and as per his averment, applications were sent time to time under certificate of posting addressed to Incharge Issue Section of Ordinance Equipment Factory. When the applicant resumed the duty vide order 24.4.87 the applicant was informed that the disciplinary inquiry under Rule 14 of the C.C.A. Rules was to be conducted against him and the Inquiry Officer gave a chargesheet to the applicant. Although according to the applicant no charge-sheet was served upon him, but the respondents have clearly stated in their reply that it is a matter of ^{fact that} charge-sheet been served. The applicant did not file any reply to the charge and appeared before the Inquiry Officer. Copy of the proceedings has been filed and ~~one~~ ^{date} the applicant said that the proceedings will be given to him so that he may understand. On one particular date on which the signature of the applicant also find place, It has been recorded that the applicant admits

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the charges levelled against him. According to the applicant he was asked to sign the same and given ~~a view~~ ^{assurance} that in case he makes such statement he will be exonerated and will be given duty as before, but even then the inquiry, it appears proceeded in the manner and the inquiry officer submitted report against him. On the report of said inquiry officer, the disciplinary authority passed the punishment order removing him from service. The applicant filed an appeal against the same. The appeal was also dismissed. The applicant has now taken ground that the inquiry officer's report was not fair and copy of which was not given to him, with the result he could not make representation, even in the manner of punishment or the quantum of punishment or the way in which the proceedings were conducted and thereby the Principles of Natural justice were violated which vitiated the inquiry and punishment order and in this connection a reference has been made to the case Union of India Vs. Ramjan Khan 1991 S.C. Page 471. The applicant was also filed an appeal against the same which was also dismissed. It is not necessary to go into the other questions as the appellate order is not speaking an order and the applicant was also not given a personal hearing by the appellate authority which it ought to have ^{done} and accordingly the appellate order dated 15.9.88 is ^{quashed} and the appellate authority is directed to dispose of the appeal again by passing speaking order after giving personal hearing taking into consideration the pleas raised by the applicant including that he was not given reasonable opportunity to ^{be} heard ~~himself~~ and Principles of Natural justice were violated. The appellate authority shall ^{take} into consideration the case which has been

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decided by the Supreme Court as it has been referred by the applicant.

Let the appeal be disposed of within three months. No order as to the costs.

James Ryan
Member (A).

Lee
Vice Chairman.

Dt: Feb. 19, 1992.

(DPS)