

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A. No. 26 of 1988.

Reghunath Applicant.

Versus

Union of India & others Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

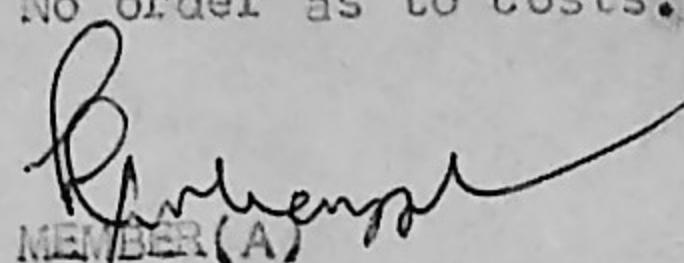
(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant was working as Welder in the Northern Railway. A charge sheet was served on him on 21/28.2.86 alleging that he refused to show his tools box to the Loco Foreman and challenged the authorities of the Loco Foreman to check the same. The applicant filed an application for supply of certain documents and ultimately he filed his written statement. An enquiry Officer was appointed and the enquiry was conducted and after conclusion of enquiry, the Enquiry Officer submitted his report to the Disciplinary Authority holding that the charges, levelled against the applicant, are not proved but the Disciplinary Authority did not agree with the findings, recorded by the Enquiry Officer and awarded the penalty of reduction against the applicant to the lower post for a period of three years. The applicant filed an appeal against the same and in the appeal, the punishment was modified by reducing the penalty from three years to two years. The Disciplinary Authority passed a non-speaking order. As the Enquiry Officer recorded the findings in favour of the applicant, a duty was cast upon the Disciplinary Authority to issue show cause notice to the applicant assigning reasons therein

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of his disagreement which has not been done in this case and this violates the principle of natural justice vitiating the proceedings as has been held in 'Narainji Mishra Vs. State of Orissa' 1969 SLR 697. Accordingly, this application is allowed and the orders dated 7.1.87 and 15.5.87 are quashed. However, it will be open for the respondents to proceed further with the enquiry giving show cause notice to the applicant assigning reasons therein of his disagreement to file objection by the applicant against the same.

No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: JULY 23, 1992.

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