

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A.No. 817 of 1988

Bishambhar Nath Mishra Applicant

Vs.

Union of India & Others Respondents (4)

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

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

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

As the short question involved in this application and the Counsel for the parties also agree that this case should be disposed of at the admission stage, we heard the counsel for the parties and disposed of this application at the admission stage.

2. The petitioner who was working in the Central Railway, Jhansi since 1960 was chargesheeted and thereafter enquiry proceeded. The Inquiry Officer submitted his report to the Disciplinary Authority, and the Disciplinary Authority passed the punishment order. Against the punishment order the applicant filed an appeal before the Appellate Authority. One of the grounds taken by the applicant challenging the disciplinary proceedings is that the Inquiry Officer's report was not given to him either by the Inquiry Officer or by the Disciplinary Authority, and thereby reasonable opportunity was not given to him to defend himself. This is against the principle of natural justice, as has been held in the case of Union of India & Others Vs. Mohd. Ramzan Khan, AIR 1991 SC 471. The other plea of the applicant is that the respondents have not disposed of the applicant's representation. Accordingly the plea raised by the applicant shall be considered by the Appellate Authority. This application is disposed of with a direction to the Appellate Authority to dispose of the appeal dated 26th February, 1986 a copy of which has been annexed to this application Annexure A-6 within a period of 2 months from the date of communication of this order. The Appellate Authority shall take into consideration the plea raised by the applicant and will pass speaking order. No order as to costs.

(sph)

17th Jan, 1992

Member (A)

Vice-Chairman.