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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHABAD BENCH ), ALLAHABAD.

D.A. NO. 591  
F.A. NO.

OF 1990

Date of decision : \_\_\_\_\_

.....Ganga Sharan Sharma.....Petitioner

.....Advocate for the Petitioner.

Versus

.....U. O. A. 1 Others (N.R.).....Respondent

.....Advocate for the Respondent (s).

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CORAM:-

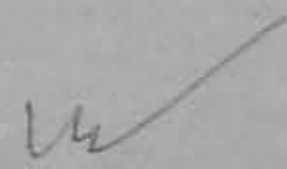
The Hon'ble Mr.

Justice U.C. Srivastava, re

The Hon'ble Mr.

K. Chayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

  
Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHAD BENCH.

....

Registration O.A. No. 591 of 1990

Ganga Saren Sharma ... .. Applicant.

Versus

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

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Chavva, Member (A)

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

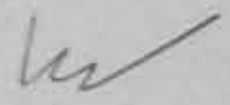
The applicant has filed this application against his punishment order. The applicant was initially appointed as Cleaner on 28.6.1975 and subsequently, was promoted on the higher posts <sup>from</sup> time to time. While he was working as Electric Driver 'C' at Kanpur, he was suspended vide order dated 14.9.1988 and was served with the charge-sheet dated 25.11.1988. The charge against the applicant was that passing up loop starter No. 4 of Fanki without any authority and in excessive speed thereby violating GR.3.81(1) (a) GR 3.81(2). Thereafter, enquiry officer was appointed and the enquiry officer after holding the enquiry held that the charge against the applicant was not proved and the enquiry officer held him not to be guilty but the disciplinary authority disagreed with the findings recorded by the enquiry officer and held him guilty and passed the order of punishment reducing him <sup>in</sup> rank. The applicant has challenged the said order <sup>on</sup> number of grounds and amongst those one of the grounds of the applicant is that when the disciplinary authority disagreed with the finding, he should have given reason for the same but that was not done and no

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opportunity of hearing was also given to him and that violates the principles of natural justice. In this connection a reference has been made to the case of Narayan Misra Vs. State of Orissa, 1969 S.L.R. para.657. Accordingly, this application is allowed and the punishment order dated 16.11.1989 is quashed. However, it will be open for the disciplinary authority to go ahead with the enquiry proceedings in case he chooses to do so after giving him an opportunity of hearing and also an opportunity to file representation to the applicant. The application is disposed of with the above terms. No order as to the Costs.

  
MEMBER (A)

  
Vice-Chairman

Dated: 14.10.1992

(n.v.)