

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 236 of 1992

Mahesh Chand Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice S.K. Dhaon, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice S.K. Dhaon, V.C.)

The applicant was a booking clerk and he was suspended on 13.7.1990 due to an alleged incident. Accordingly, an enquiry was initiated against the applicant. The enquiry officer in his report exonerated the applicant. The disciplinary authority disagreed with the recommendation of the enquiry officer, ^{and} punished him.

2. In appeal, he remained unsuccessful before the appellate authority. ^{the same was the fate before the Revisional Authority} as well as appointing authority. Hence this application.

3. One of the submission made in this application is that the disciplinary authority, before passing the order of punishment, while disagreed with report of the enquiry officer, did not give any opportunity of hearing to the applicant. This factual position is not disputed by the learned counsel for the respondents. Suffice it to say that no opportunity was given to the applicant to show cause against the ~~the~~ disagreement. This infirmity vitiates ^{the} order of punishment. Accordingly, this application succeeds in part. The order passed by the punishing authority dated 7.6.1991, the order passed by the appellate authority dated 7.10.1991 and the revisioning authority dated 14.10.1992 are quashed.

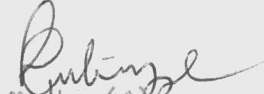
4. It will be open to the punishing authority to pass a fresh order of ^{punishment} ~~appointment~~ in accordance with law after

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giving^{an} opportunity to the applicant to show cause as to why the report of the enquiry officer should not be accepted.

There shall be no order as to costs.


Member (A)


Vice-Chairman

Allahabad Dated 23.11.1992.

(RKA)