

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 236 of 1992

Versus

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, ~~as well as~~ ^{the same was the fate before the Revision Authority} appointing authority. Hence this application.

3. One of the submissions 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 appointment in accordance with law after
punishment

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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)