

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 123 of 1992

Sukh Deo Singh Pal

..... Applicant

Versus

Union of India and Others

..... Respondents

CORAM:

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

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

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

The pleadings are complete. The case is being disposed of finally after hearing the counsel for the parties. The applicant was working as a Ticket Collector in Northern Railway at the relevant point of time. A Memorandum of charge sheet was served to the applicant by the Vigilance Department which was delivered to the applicant on 24.3.87. The applicant denied the charges levelled against him and the Area Manager who was ~~the~~ behind the action who himself became the Disciplinary authority and nominated the Vigilance Inspector Northern Railway as Enquiry Officer. According to the applicant the Enquiry officer protected the interest of the Vigilance Inspector who took the action against the applicant which was strongly objected by the applicant and was a deliberate and calculated role on the part of the Vigilance Inspector himself. The applicant

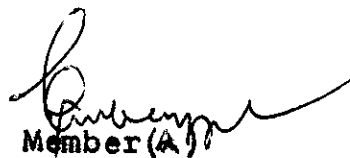
Contd.../p2

denied of the charges levelled against him as well as any recovery from him, but the Enquiry officer according to the applicant relied upon the hearsay evidence and recorded a finding against him. On Acting on the enquiry officer's report, the said Disciplinary Authority dismissed the applicant from service. The Disciplinary authority went to the extent of not even giving the enquiry officer's report to the applicant which would have been enable him to file an objection against the same and point out the short coming, ~~cause~~ in the enquiry proceedings as well as the findings were recorded and the punishment suggested.

2. The applicant filed an appeal against the same notwithstanding the provisions of Rule 25. Even personal hearing was not given by the Appellate authority and ~~the~~ dismissed the appeal. The applicant filed a revision application, that too met ~~in~~ the same fate. Thereafter the applicant approached this Tribunal. Learned counsel for the applicant contended that incase the Appellate Authority would have been given a personal hearing which was not only the requirement to the Principle of Natural Justice as has been established now in this country but also of the rule, the applicant would have been convinced the Appellate Authority that the action taken against him was not proper one and no act of omission or commission was committed by him, he would have also pointed out that the enquire enquiry proceedings are vitiated and he was denied ~~that~~ reasonable opportunity to defend himself.

3. Learned counsel also placed reliance in a case decided by the Central Administrative Tribunal in 'P.K. Sharma Vs. Union of India 1988(8) A.T.C in which it has

been held that incase the Enquiry Officer's report is not given and a person concerned is not given an opportunity to make representation the same vitiates the principles of natural justice. This view also got a confirmation later on by the Hon'ble Supreme Court in the case of Union of India and Others Vs. Mohammed Ramzan Khan A.I.R 1991, Supreme Court page 471. In view of the fact, that the appellate authority did not give any personal hearing to the applicant which was a must. The Appellate order and the subsequent revisional order cannot stand and accordingly this application is allowed. The revisional order and appellate order is quashed. The Appellate Authority is directed to dispose of the appeal within a period of 6 weeks from the date of communication of this order after giving opportunity of personal hearing to the applicant and taking into consideration to the pleas raised by the applicant. The Appellate Authority shall pass a Speaking Order which may be in favour of the applicant or may be against him. The application stand disposed of finally, with no order as to the costs.


Member (A)


Vice Chairman

Dated: 17th August, 1992:

(Uv)