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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 421 of 1993

Munney Khan

... .. Applicant.

Versus

Union of India  
and others

... .. Respondents.

...

Hon. Mr. S. Das Gupta, Member(A)  
Hon. Mr. J.S. Dhaliwal, Member(J)

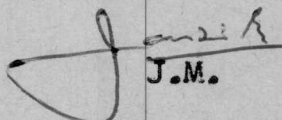
( By Hon. Mr. S. Das Gupta, Member(A) )

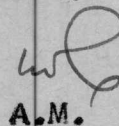
Heard Sri Satish Chandra, learned counsel for the applicant. The applicant has filed M.P. No. 1880 of 1994 in which it has been prayed that he be allowed to press the application only on the point that no copy of the enquiry report was furnished to the applicant before imposing the final punishment. We have seen from the order-sheet that none appeared on behalf of the applicant on large number of occasions and on 3.2.1994, when the counsel for the applicant appeared, he was directed to make the pleadings consistent with the facts. We have been told that while in the pleadings of this application, it was stated that no enquiry was held before issuing the order of penalty, but the enquiry was actually held but the copy of the enquiry report was not given to the applicant. <sup>Insisted</sup> Inspite of filing the amendment application, the applicant has filed M.P. No. 1880 of 1994 as indicated above.

Wf

2. Moreover, we find that the case is badly time barred, Since the impugned order was passed in the year 1984 and this application has been filed only on 24.3.1993. The applicant has filed an application for condonation of delay <sup>but</sup> ~~for~~ which the reasons stating therein are not <sup>u.</sup> sufficient. If the applicant wants to press this application on the ground that the copy of the enquiry report was not given to him, It has also no force, since the disciplinary action was taken much before the principle of law was laid down in Ramjan Khan's case by the Supreme Court that <sup>a</sup> the copy of the enquiry report <sup>shmd be</sup> was <sup>a</sup> given to the delinquent employee before passing the order of penalty.

3. On this ground, as well as on the ground of limitation, the O.A. is dismissed.

  
J.M.

  
A.M.

Dated: 12.9.1994  
(n.u.)