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O.A. No: 183/86

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD.

Application No. 61 of 1986.

S.C. Modi,

6- Junction Plot,

Rajkot.

Applicant.

versus

1. Union of India
The General Manager,
Western Railway,
Church Gate, Bombay.
2. The Divisional Commercial
Superintendent, Kothi Compound,
Western Railway, RAJKOT.

... Respondents.

- : Order : -

1.. Heard the advocates. It was submitted on behalf of the Respondent that as per the present Rules and Orders, it was not necessary to supply to the delinquent the copy of the Inquiry Officer's Report. It was also submitted that there is no necessity to issue notice to the delinquent about the quantum of penalty. In my view, these matters will have to be gone into details at the time of final hearing. However, it will be in the interests of all concerned, if before finalising inquiry, the delinquent is furnished with the copy of the report. This would enable the delinquent to make his own submissions

before the competent authority as to why the report should not be accepted. In the given case, Disciplinary Authority may accept these submissions and may drop the proceedings. In other case, Disciplinary Authority may reject the submissions and proceed further.

an opportunity is
However ~~and~~ is required to be given to the delinquent to make his submissions about incorrectness of the report. In his background, by way of interim relief, I had already directed on 19.2.86 not to proceed further with the inquiry without supplying copy of the Inquiry Officer's Report to the applicant and without giving opportunity to the applicant to show cause against it. This order was passed on 19.2.86.

However, the order was served on the Respondents on 24.2.86 and in the intervening period, the Disciplinary Authority had issued dismissal order without obeying the un-communicated order dt; 19.2.86.

It seems that this situation arose because that order dt; 19.2.86 had not reached the destination.

However there should be no prejudice to applicant.

Hence, I direct that dismissal order dt; 21.2.86

Bch should not be given effect^{to} and that Disciplinary

.. 3 ..

Authority should start afresh after supplying copy
of the Inquiry Officer's Report to the applicant and
after giving opportunity to the applicant to show
cause ~~to~~ against that report. In view of the above order,
there is no question of applicant ^{being} not in service and he
should be permitted to resume duty.

dt; 7.3.1986.

B.C. Gadgil
(B.C.GADGIL. v.c.)

(5) (5)

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CORAM : (1) Hon'ble Mr. P.H. Trivedi (Vice Chairman)
(2) Hon'ble Mr. P.M. Joshi (Judicial Member)

The learned counsels for the parties are present. Mr. Thakkar learned counsel for the applicant seeks sometime for reconsideration before further proceeding in the matter. The case is therefore adjourned to 13th August 1986.

30-7-86.

J.M.
(P.M. JOSHI)

J.M.

P.H.
(P.H. TRIVEDI)

V.C.

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O.A No. 193/86

CORAM : (1) Hon'ble Mr. P.H. Trivedi (Vice Chairman)
(2) Hon'ble Mr. P.M. Joshi (Judicial Member)

Neither the applicant nor his advocate is present. Mr. D.M. Thakkar the learned counsel for the applicant, however has passed a note seeking permission to retire from the above matter. It is not revealed from the said note whether the applicant has been apprised about the consequences of his (Mr.Thakkar) retirement from the matter. In any manner a detailed order has been passed by the Tribunal on 7/3/86, whereby grievances have been substantially resolved. The Enquiry Officer, has been directed to pass the final order after hearing the applicant. In case, the applicant has any further grievance regarding the final order, if passed, by the enquiry officer or the competent authority, he will have a fresh cause of action to approach the Tribunal. In the meantime, when no further point requires to be decided by the Tribunal, the application, stands disposed off with no order as to costs.

13-8-86

Trivedi
(P.H. TRIVEDI)
VICE CHAIRMAN

Joshi
(P.M. JOSHI)
MEMBER