

CENTRAL ADMINISTRATIVE TRIBUNAL

~~PRINCIPAL BENCH, DELHI~~  
AHMEDABAD BENCH

6

O.A No. 671

1987

~~Ex-Acc No.~~

DATE OF DECISION 19.3.1991

Shri Benjamin Macwan

Petitioner

Mr.K.S.Jhaveri

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr.R.M.V.in

Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. P.H.Trivedi

: Vice Chairman

The Hon'ble Mr. R.C.Bhatt

: Judicial Member

JUDGMENT

Shri Benjamin Macwan,  
Railway Quarters,  
No. 78/E-D, Vapi.

: Applicant

(Advocate: Mr.K.S.Jhaveri)

Versus

Union of India  
Through:

1. The General Manager,  
Western Railway,  
Churchgate, Bombay.
2. The Divisional Railway,  
Manager, Bombay Central,  
Bombay.
3. Sr.Divisional Engineer(II),  
Office of Divisional Railway  
Manager, Bombay Central  
(Western Railway), Bombay.

: Respondents.

(Advocate: Mr.R.M.Vin)

O R A L O R D E R

O.A.671/87

Date: 19.3.1991

Per: Hon'ble Mr. P.H.Trivedi

: Vice Chairman

Heard Mr.K.S.Jhaveri and Mr.R.M.Vin, learned advocates for the applicant and the respondents. In this case admittedly the inquiry report has not been furnished prior to the order of the disciplinary authority punishing the petitioner with dismissal and this case therefore is fully attracted by the law as now laid down in Union of India & Ors. vs. Mohd.Ramzan Khan 1990(4) S.C. 456. Learned advocate has also drawn our attention to the decisions in Parmeshwara Nanda's case of three Member Bench of the Tribunal and AIR 1988 SC 1000 in Union of India v. E.Bashyan. The impugned order therefore has to be quashed and set aside. The respondents will be at liberty to proceed against the petitioner from this stage of finishing the inquiry report and subsequent proceedings.

CORAM : Hon'ble Mr.P.H. Trivedi .. Vice Chairman  
Hon'ble Mr. S. Santhanakrishnan.. Judicial Member

14.3.991

Learned advocate Mr. R.M. Vin for the respondents states that Mr. K.S. Zaveri, learned advocate for the petitioner has requested for time. Allowed. The case be pleted on 19th March, 1991 for final hearing.

  
S. Santhanakrishnan )  
Judicial Member

  
( P H Trivedi )  
Vice Chairman

\*Mogera