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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 487 of 1989.

Date of decision : March 8, 1991.

Surendra Kumar Dhal

...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. P.V. Ramdas,

B.K. Panda,

D.N. Mohapatra, Advocates.

For the respondents ...

Mr. Aswini Kumar Misra,

Sr. Standing Counsel (Central)

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

N. SENGUPTA, MEMBER (J) The applicant was the Extra-Departmental Branch Post Master of Samian Branch Post Office in the district of Balasore. Against him two charges were framed in a disciplinary proceeding and an enquiry was made. The Disciplinary authority appointed an Enquiring Officer who found that the first article of charges was proved but not the second. On 30.11.1988 the Superintendent of Post Offices, Bhadrak Division agreeing with the findings of the Enquiring Officer, passed an order of removal of the applicant from service and enclosed a copy of the

Mr. Sengupta
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a copy of the report of the Enquiring Officer to the order of punishment. The applicant preferred an appeal to the Director of Postal Services, Sambalpur Region, the appeal proved abortive. The applicant has sought for quashing of the order of removal.

2. It is not necessary to set out the allegations contained in the counter affidavit.

3. We have heard Mr. P.V. Ramdas, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. On referring to Annexure-3 (the copy of the order of removing the applicant from service) it would appear that no copy of the report of enquiry was furnished to the applicant before the punishment of removal was inflicted. As has been ruled by the Hon'ble Supreme Court in Union of India vrs. Md. Ramzan Khan reported in Judgments Today 1990 (4) SC 456, the order of the disciplinary authority could not be sustained, consequently also the appellate authority's order cannot be sustained.

4. In the result the application is allowed. Annexures-3 and 4 are quashed, but the disciplinary authority may, if he chooses, proceed from the stage of supply of copy of the enquiry report after giving the applicant opportunity to make such representation as he desires concerning the said report.

No costs.

Brahma 8.3.91
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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 8, 1991/Sarangi.



Member (Judicial)
8.3.91
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Member (Judicial)