

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT Bench Lucknow.

...

O.A. No. 182 of 1991

Chinmai Kumar Shukla Applicant.

Versus

Union of India
~~and~~ and others Respondents.

...

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. V.K. Seth, Member(A)

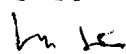
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as Electrical Fitter with the respondents, was placed under suspension on 2.8.1988. A F.I.R. was lodged against the applicant under sections 323, 304, 306 and 332 IPC with the allegation that he has assaulted one Sri S.C. Senkar shop Superintendent, in his Chamber. A charge-sheet was served upon the applicant and thereafter the enquiry proceeded. The enquiry officer was appointed. The ~~enq~~ applicant submitted his reply. The enquiry officer reported in favour of the applicant. The matter went before the disciplinary authority. The disciplinary authority being disagreed with the findings of the enquiry officer passed the punishment order reverting him to the lower post. The applicant instead of approaching to the appellate authority, has approached the Tribunal.

2. The respondents have opposed the allegations of the applicant and have stated that the conduct of the applicant is highly condemnable and created ~~ed~~

indiscipline in the office. It is not necessary to enter into the various questions ^{raised in} ~~about~~ this case ^{as the case can be decided at one point} ~~at the~~. The disciplinary authority ~~has~~ disagreed with the findings of the enquiry officer, giving of show cause notice to the applicant and assigning reasons was must and without giving an opportunity of hearing to the applicant, the disciplinary authority could not have recorded ^{its} ~~the~~ finding against the enquiry officer's report ^{as} ~~and~~ the same violates the principles of natural justice. In this connection, a reference has been made to the case of Narainji Mishra Vs. State of Orissa, 1969 SLR, page 654, wherein it has been held that in case the disciplinary authority disagrees with the findings recorded by the enquiry officer, the giving of show cause notice and reasons is must but the same has not been done in this case.

3. Accordingly, this application is allowed and the punishment order is quashed. However, it will be open for the disciplinary authority to give reasons and show cause notice to the applicant, thereafter conclude the enquiry and other proceedings. As the matter is old the disciplinary authority will expedite the matter. The application is disposed of with the above directions. There will be no order as to costs.


Member (A)


Vice-Chairman

Dated: 23.4.1993

(n.u.)