

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.No. 157/90

H.C. Srivastava

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

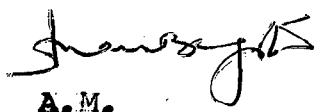
(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who is an employee of N.E. Railway, has approached the Tribunal challenging the punishment order dated 27.12.89 passed by the Divisional Commercial Superintendent N.E. Railway, Lucknow imposing the punishment of reduction to the lower stage of the time scale from Rs 1410 to 1320 as well as the order passed by the appellate authority dated 20.1.90 and the order of Reviewing authority dated 26.3.1990 dismissing the appeal of the applicant.

The applicant was chargesheeted and thereafter enquiry proceeded and the enquiry officer submitted his report to the disciplinary authority who concurred with the report of the enquiry officer and passed the punishment order without assigning any reason. The appellate authority also did not give any personal hearing to the applicant and the appeal was dismissed by the appellate authority.

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The enquiry officer's report was not given to the applicant to make effective representation. Not giving of the enquiry report is violative of principles of natural justice and depriving of personal hearing thereby denying the opportunity for making effective representation by the applicant, is also against the rules. In Union of India vs. Mohd. Ramzan Khan (AIR 1991 Supreme Court, 471) it has been held that not giving the report of enquiry officer is violative of principles of natural justice and vitiates the enquiry and the punishment. Accordingly, this application deserves to be allowed. The punishment order dated 27.12.89, the appellate order dated 20.1.90 and the order dated 26.3.90 passed by the Reviewing authority are ~~quashed~~ set aside. However, it will not preclude the respondents to proceed with the enquiry from the stage of giving the copy of enquiry report and opportunity of hearing.


A.M.


V.C.

Lucknow Dated: 20.9.91.