

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.No. 171/90(L)

S.D.Tewari

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B.Gorthi, Adm. Member.

The applicant who was dismissed from service, was chargesheeted and the departmental enquiry proceeded. The applicant, after the submission of the enquiry officer's report reduced to five stages from Rs 900/- to Rs 825 vide order dated 30.12.88. The applicant filed appeal and the appeal was dismissed on 31.7.89. Then he approached the Tribunal.

There appears to ^{be} no delay but the appeal was decided. The ~~preliminary~~ objection is that of limitation. The enquiry officer's report was not given by the respondents before the punishment order was passed. The enquiry officer must ~~have~~ given the report in time but the enquiry report was given to the applicant at the later stage. The non-giving the enquiry report, thus deprives the applicant from making representation which is violative of principles of natural justice. This question was decided in Union of India vs. Mohd. Ramzan Khan (1991) Supreme Court cases (L&S) 612 wherein it has been held that non-furnishing of the report to the delinquent would be violative of principles of natural justice rendering the final

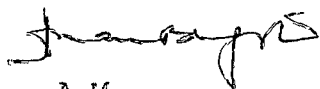
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order ~~void~~ invalid. The application deserves to be allowed and accordingly, it is allowed. The punishment order dated 30.12.88 and the appellate order dated 31.7.89 communicated to the applicant by the letter dated 15.12.89 are quashed. It will not preclude the disciplinary authority to proceed from the stage of enquiry. The applicant will be deemed ^{to be} in service. 2

No order as to costs.



A.M.



V.C.

Lucknow Dated: 16.9.91