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CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.

T.A. No.151/92(T)

in

D.A.No.891/88

Vishamber Dayal Applicant

vs.

Union of India & Others Respondents

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

Hon. Mr. K. Obayya, A.M.

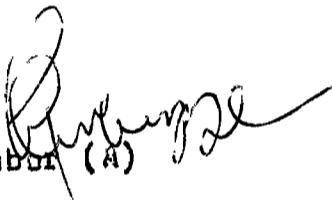
(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant was working as Branch Post Master, Lakmapur for the last 19 years. A Charge-sheet was served on the applicant on 2-1-86 levelling the charge of non-payment of money order to the payee, which was one of the three charges against him. An Enquiry Officer was appointed. The Enquiry Officer concluded his enquiry holding that all the 3 charges were proved. He submitted his report on 12-8-87 to the disciplinary authorities. The disciplinary authorities vide order dated 25-8-87 removed the applicant from service. The applicant filed a departmental appeal, but the same was dismissed. After that the applicant has approached the Tribunal.

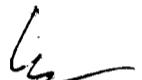
2. The applicant has not denied the charges but stated that the Money Order was paid to the payee and further stated that he was not given reasonable opportunity to defend himself and pointed out certain flaws. One of the grounds was that the report of the Enquiry Officer was not given to him. Therefore, he could not make effective representation before the disciplinary authorities. The application deserves to be allowed on this ground in view of this Tribunal of the Full Bench decision in the case of P.K. Sharma Vs. Union of India 1988 (6 ATC page 900) in which a view has

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been taken that wherever the Enquiry Officer submits his report holding the person to be guilty the report of the Enquiry Officer should be given to him. In case the same is not done it vitiates the enquiry and the punishment order as it violates the principles of natural justice. Accordingly this application is allowed and both orders dated 25-8-1987 and 31-12-87 (i.e. the punishment order and the appellate order respectively) are quashed. However, it is open for the respondents to go ahead with the enquiry proceedings after giving reasonable opportunity to the applicant and also giving a copy of the Enquiry Officer's report for submitting his representation against the same to defend himself. No order as to the cost.



Member (A)



Vice-Chairman.

Dated: 27th August, 1992, Lucknow,

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