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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

O.A. No. 164
T.A. No.

1987

DATE OF DECISION 13.11.1991

Bharat Kumar Budhoo Petitioner

Shri A.S.Jaiswal Advocate for the Petitioner(s)

Versus

U.O.I. & Others Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)

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

The Hon'ble Mr. Justice U.C.Srivastava,V.C.

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *M*
2. To be referred to the Reporter or not ? *✓*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *✓*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *✓*

[Signature]

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 164 of 1987

Shri Bharat Kumar Budhoo	Applicant
	Vs.	
Union of India & Others	Respondents

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

Hon'ble Mr. M.Y. Priolkar, Member (A)

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

The applicant who was an Electrical Helper was absent from duty from 1.1.1986 upto 3.3.1986. A charge memorandum was issued to him on 3.3.1986. The applicant stated that he did not received the said memorandum and nor any enquiry proceeded against him. Yet on the basis of some ex-parte enquiry he was removed from service.

2. The respondents have stated that of course he was not seriously unwell, but it appears that the Medical Certificates from Government Hospital were submitted by the applicant. The Enquiry Officer after holding the enquiry did not furnish the ^{copy of the} enquiry report to the applicant nor the report furnished to him by the Disciplinary Authority before passing the said order of removal from service.

3. The applicant was thus at that state was deprived making effective representation against the proposed penalty, and thereby he was not given reasonable opportunity to defend himself. In view of the case of Union of India Vs. Mohd. Ramzan Khan, Supreme Court, AIR 1991 Page 471, wherever an Enquiry Officer was appointed and enquiry is held and the

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enquiry report is submitted proposing the punishment, without giving the copy of the Enquiry Officer's report to the delinquent employee, the same violates the principle of natural justice. Accordingly this application deserves to be allowed and the appellate order dated 1.10.1986 is quashed and the applicant shall be deemed to continue in service with all consequential benefits. However, it will not preclude the disciplinary authority from going ahead with the disciplinary proceedings beyond the stage of giving the Enquiry Officer's report to the applicant giving him reasonable time to file objections against the same. There will be no order as to costs.



Member (A)



Vice-Chairman.

13th November, 1991, Nagpur

(sph)

