

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(11)

## NEW BOMBAY BENCH

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

446445/87.

198

DATE OF DECISION

Ex 15.11.1991

Shri P.H.Ganvir.

Petitioner

Shri A.S.Bhagat

Advocate for the Petitioner(s)

Versus

Union of India &amp; O&amp;Ps.

Respondent

Shri Ramesh Darda.

Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman,

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
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 ?


  
(U.C.SRIVASTAVA)  
VICE-CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY,  
CAMP AT NAGPUR.

(12)

Original Application No.445/87.

Shri P.H.Ganvir.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,  
Hon'ble Shri M.Y.Priolkar, Member(A).

Appearances:-

Applicant by Shri A.S.Bhagat.  
Respondents by Shri Ramesh Darda.

Oral Judgment:-

(Per Shri Justice U.C.Srivastava, Vice-Chairman) Dt. 15.11.91.

The applicant who was serving as a labourer in Central Ammunition Depot, Pulgaon was suspended from service on 30.8.1980 and reinstated in March, 1981. He was served with a charge sheet in September, 1980. The applicant submitted his reply to the said charge sheet and the departmental inquiry proceeded. The Enquiry Officer submitted his report to the Disciplinary Authority holding that the charges framed against him were proved and proposed certain punishment.

2. The applicant has challenged the enquiry proceedings on a variety of grounds including on the ground that the Inquiry Officer's report was not given to him which would have given an opportunity to raise an effective representation against the enquiry proceedings and the punishment given to him which plea was raised before the revisional authority. ~~Even the application~~ The requirement of giving the Inquiry Officer's report to enable him to make an effective representation against the proceedings and the punishment is a requirement of principles

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of natural justice. Wherever an enquiry is held and the Inquiry Officer proposes a punishment and the disciplinary authority punishes the employee the non-giving of the enquiry report vitiates the proceedings and the punishment order as has been held by the Hon'ble Supreme Court in the case of Union of India v. Mohd. Ramzan Khan, AIR 1991 SC 471.

3. In view of the fact/<sup>that</sup> the applicant was not given reasonable opportunity to defend himself the principle of natural justice is violated, the punishment order cannot be sustained. Accordingly this application is allowed and the ~~xxxxxx~~ punishment order dt. 8.3.1984 is quashed. The applicant will be deemed to be continued in service and entitled to all benefits. However, it is made clear that it will not preclude the respondents from going ahead with the disciplinary proceedings beyond the stage of giving the Inquiry Officer's report to the applicant giving him reasonable time to file objections against the same. There will be no order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER(A)

  
(U.C. SRIVASTAVA)  
VICE-CHAIRMAN.