

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 590/87

199

~~XXXXXX~~

DATE OF DECISION 27.8.92

Shri Munian Amavasi

Petitioner

Advocate for the Petitioners

Versus

Executive Engineer(C) II & ors

Respondent

Shri J.G. Sawant.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, 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 ?

ND

Sd/
(S.K.DHAON)
VICE CHAIRMAN

mbm*

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 590/87

Shri Munian Amavasi

... Applicant.

V/s.

Executive Engineer(C) II & ors.

... Respondents.

CORAM : Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
Hon'ble Shri M.Y.Priolkar, Member (A)

Appearance:

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 27.3.92

{ Per Shri S.K. Dhaon, Vice Chairman }

On 30.12.85 the applicant was removed from service. His appeal was dismissed by the order dated 25.3.87 passed by the Dy. Chief Engineer (C). The two orders have been impugned in the present application.

The appellate order shows an absolute non-application of mind, it also shows that the authority passing the order is not aware of its power. It thinks that its duty is only to review the penalty imposed. The order is not sustainable.


There is yet another infirmity in the disciplinary proceedings. Admittedly ^{the} copy of the Enquiry Officer's report was not given to the applicant by the punishing authority before passing the order of punishment. In view of Mohmed Ramzan Khan's case it should have been done.

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: 2 :

My The orders of punishment and the appellate
✓ authority ^{are} ~~is~~ quashed. We, however, leave it open
to the disciplinary authority to re-initiate the
✓ disciplinary proceedings against the applicant ~~at~~ ^{from}
the stage of handing over of the Enquiry Officer's
✓ report, if it so likes.

With these observations this application
is disposed off finally but without any order as
to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. BHAON)
VICE CHAIRMAN

NS/