

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(6)

O.A. NO: 796/87
Ex-Axx NO:

199

DATE OF DECISION 8/4/92

Shri Gurucharan Loknath TiwariPetitioner

Advocate for the Petitioners

Versus

The Sr. Supdt.of Post Offices Respondent
Amraoti Division, Amraoti camp
and two others.

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 ?

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(U.C. SRIVASTAVA),
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
Bombay Bench

(7)

Original Application No. 796/87

Shri Gurucharan Loknath Tiwari

... Applicant.

V/s.

The Sr. Supdt. of Post Offices
Amraoti Division, Amraoti Camp

Director, Postal Services,
Nagpur.

The Postal Service Board,
Min. of Communications
Dept. of Posts, New Delhi.

... Respondents.

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

Appearance:

JUDGEMENT

Dated: 8/4/92

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

The applicant was appointed as Postman in the year 1957 and later on he was promoted to the post of Mail Overseer in the year 1981. He was charge sheeted because of certain acts of omission and commission. An Enquiry Officer was appointed. The Enquiry Officer concluded the enquiry and submitted his report against the applicant to the Disciplinary Authority. The Disciplinary Authority passed the penalty order compulsorily retiring the applicant from service. The applicant filed a departmental appeal against the same and the appeal has been dismissed. The applicant has challenged the entire enquiry proceedings on various grounds. One of the grounds taken is that the Enquiry Officer's report has not been given to him by the Disciplinary Authority before awarding the punishment, with the result he was deprived of making effective the representation in the proposed punishment and the

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findings violating the principles of natural justice. In this connection he relied in the case of Union of India Vs. Mohmad Ramzan Khan and ors AIR 1991 SC page 471, in which case it was reiterated that the same violates the principles of natural justice vitiating the enquiry. In this view this application is deserves to be allowed on this ground and it is not necessary to consider other grounds. Accordingly the application is allowed and orders dated 26.2.85 are quashed. The result is the applicant will be deemed to be continuing in service. However it will be open to the Disciplinary Authority going ahead with the enquiry proceedings from the stage of supply of report of enquiry officer to the applicant and giving him reasonable opportunity to file a representation against the same. No order as to costs.



(M.Y.PRIOLKAR)
MEMBER(A)



(U.C. SRIVASTAVA)
VICE CHAIRMAN.

NS/

This Judgment has been set aside by the
order dt 30-3-92 & remanded for
relief on the points
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