

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

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O.A. NO: 799/87 199  
T.A. NO:

DATE OF DECISION 27.9.1991

Shri Ramanand Sahu

Petitioner

Shri G.K.Masand

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri P.R.Pai.


Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.SRIVASTAVA, VICE-CHAIRMAN,

The Hon'ble Mr. A.B.GORTHI, 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.

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(17)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

Original Application No. 793/87.

Shri Ramanand Sahu.

... 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 Mr. G.K. Masand.  
Respondents by Mr. P.R. Pai.

Oral Judgment:-

[Per Shri Justice U.C. Srivastava, Vice-Chairman] Dt. 27.9.1991.

The applicant who was employed as a Welder in Lower Parel Workshop of the Western Railway has challenged the order dt. 31st August, 1983 removing him from services after holding a departmental inquiry. The applicant was charge sheeted on 21.7.1981. The Enquiry Officer was appointed to hold an inquiry, after holding an inquiry the Enquiry Officer submitted the inquiry report to the Disciplinary Authority. Neither the Inquiry Officer nor the Disciplinary Authority gave a copy of the inquiry report to the applicant to enable him to make a representation against the report of the Inquiry Officer who gave his report against the applicant. The Disciplinary Authority thereafter removed the applicant from services. The applicant filed an appeal against the same and after dismissal of the same he filed a review application which too was dismissed, whereafter the applicant has approached this Tribunal. The applicant has challenged the removal on a variety of grounds including that he was not given reasonable opportunity to defend himself against the same. One of the grounds raised by him was that the Enquiry Officer's report was not given to the applicant to enable him to make a representation against it which has seriously prejudiced him. In case opportunity was given to him he would have got the opportunity to submit that the Enquiry Officer <sup>acted</sup> ~~was~~ against the law and that he was not

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given opportunity of defending himself, but he was deprived of the same and even the superior authority has not given such opportunity. The non-furnishing of inquiry report is denial of principles of natural justice as ~~it~~ has been held in the case of Union of India v. Mohammed <sup>2</sup> Ramzan Khan (AIR 1991 SC 491) in which it has been held that wherever an inquiry officer submits his report against an employee, the non-furnishing of the enquiry report to the delinquent employee to enable him to make a representation against the same will be against the principles of natural justice and vitiates the inquiry. The same is the position here and accordingly this application deserves to be allowed and the Appellate Order dt. 31st August, 1983 is quashed. The applicant will be deemed to be in service. However, it is being made clear that this will not preclude the Disciplinary Authority from going ahead with the inquiry beyond the stage of giving Inquiry Officer's report to the applicant and to which he can file a representation against the same. No order as to costs.

  
(A.B. GORTHI)  
MEMBER (A)

  
(U.C. SRIVASTAVA)  
VICE-CHAIRMAN

B.S.M.