

A Full Bench of this Tribunal in P.K.Sharma vs. Union of India, (1988)6 ATC 904, decided on 6.11.1987⁶⁰⁵ held that the findings of the Disciplinary Authority will be bad in law if the delinquent was not given a copy of the report of the Inquiry Officer and was not heard before arriving at the findings. Against that decision the respondents had filed a Special Leave Petition and Stay Application in the Supreme Court. The Supreme Court has granted Special Leave and stayed the operation of the judgment and order passed by the Full Bench.

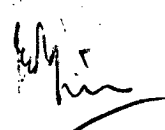
2. Relying on the Full Bench decision in P.K.Sharma's case we had allowed the application filed by one Shri E.Bashyam (Tr.1/86 decided on 12.11.1987) The respondents in that case had filed Special Leave Petition and Stay Application in the Supreme Court. The Supreme Court has granted Special Leave and referred the matter to a larger Bench. The question regarding stay is also referred to the larger Bench. The referring judgment of the Supreme Court is reported in AIR 1988 SC 1000.


3. We may point out that in a few other cases also in which we had passed orders relying on P.K.Sharma's case and in which the respondents have approached the Supreme Court, our orders are stayed by the Supreme Court.

4. In the meantime another judgment of the Supreme Court in Kailash Chander v. State of U.P. decided on 5.5.1988 is reported in AIR 1988 SC 1338 in which, prima facie, a contrary view is taken by the Supreme Court.

5. In the present case also the question decided by the Full Bench of this Tribunal in P.K.Sharma's case arises.

6. Considering all the circumstances we adjourn this case for directions on 6th July, 1989 along with similar other cases. Parties need not be present on that date.


(M.Y. PRIOLKAR)
M(A)


(M.B. MUJUMDAR)
M(J)