

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 382
T.A. No.

1988

DATE OF DECISION 13-11-91

Arun D. Pawade Petitioner

Sri S.V. Naik Advocate for the Petitioner(s)

Versus

U.O.I & Others Respondent

Sri Ramesh Darda Advocate for the Respondent(s)

CORAM By Hon'ble Mr. Justice U.C. Srivastava, J.C.

The Hon'ble Mr. Justice U.C. Srivastava, J.C.

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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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 382 of 1988

Arun D. Pawade

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Applicant

Vs.

Union of India & Others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

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

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was an employee of the Ordinance Factory, Ambajhari, Nagpur was chargesheeted as he remain^{ed} absent from January, 1985 to August, 1986, although, according to the applicant, valid^e reasons were ^{there for} ~~against~~ the absence which took place. An enquiry proceeded and after conclusion of the enquiry the Enquiry Officer recommended punishment, and the disciplinary authority removed the applicant from service. The applicant filed an appeal against the same which too was dismissed. Thereafter he approached this Tribunal. Although number of grounds have been ~~faken~~ in this application, ~~but~~ this application deserves to be allowed on the ground that the Enquiry Officer reports was not given to the applicant neither by Enquiry Officer nor by the Disciplinary Authority before passing the punishment order ^{to} enable him to file a representation against the same, with the results that the applicant was deprived of and the reasonable opportunity was not given to him to defend himself and the enquiry stands vitiated as has been held in the case of Union of India Vs. Mohd Ramzan Khan AIR 1990 SC 471. In this view this application deserves to be allowed and the order of removal dated

23.4.1987 and the appellate order dated 16.12.87 is quashed and the applicant ~~deemed~~ to ~~be~~ continue in service with consequential benefits. However, it will not preclude the ~~disciplin~~ary Authority from going ahead with the ~~disciplin~~ary proceedings beyond the stage of giving the Enquiry Officer's report to the applicant giving him reasonable time to file objections against the same. There will be no order as to costs.


Member (A)


Vice-Chairman.

13th November, 1991, Nagpur.

(sph)