

(15)

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
NEW BOMBAY.

O.A. No.604/88

V.B. Hajela

... Applicant.

V/s.

Union of India & Two Others.

CORAM: HON. SHRI JUSTICE U.C. SRIVASTAVA, V.C.  
HON. SHRI M.Y. PRIOLKAR, MEMBER (A)

ORAL JUDGMENT:

DATED: 8.8.91.

(PER: U.C. SRIVASTAVA, V.C.)

The applicant at the relevant time was at Kanpur as Inspecting Officer (Textiles) in charge of the inspection of textiles, leather and rubber. After departmental enquiry he was compulsorily retired vide order dated 26.5.1988. During the pendency of this application the applicant has attained the age of superannuation. The departmental inquiry proceedings and the punishment order are challenged by the applicant on the ground that the inquiry officers report was not given to him before the punishment order was passed which would have enabled him to file a representation against the Inquiry Officer's report and his recommendation regarding punishment.

We have decided a number of cases on this point. Even taking into consideration the case of Premnath K. Sharma Vs. Union of India & Ors., AISLJ 1988(3), CAT, 449 and the case of Union of India & Ors., Vs. Mohd. Ramzan Khan (JT 1990(4) SC 456) it is held that non-giving of a copy of enquiry officer's report would amount to denial of natural justice, and punishment order in these circumstances cannot be sustained as held by the Supreme Court of India in Mohd. Ramzan Khan's case. We have also taken a similar view in all the pending cases before us. As the matter did not become final

the observation made by the Supreme Court that the judgment will have retrospective effect will not come in the way as in this case no finality had been reached.

Accordingly this application is allowed and the impugned punishment order dated 26.5.1988 is quashed and set aside. However, we clarify that this decision will not preclude the disciplinary authority from revising the proceedings and continuing with it in accordance with law from the stage of supplying the inquiry report. In the circumstances, however, there would be no order as to costs.



( M.Y. PRIOLKAR )  
MEMBER -A



(U.C. SRIVASTAVA)  
VICE-CHAIRMAN