

(2d)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

1.) Tr.414/87, 2.) Tr.418/87, 3.) Tr. 54/88, 4.) OA 55/86,
5.) OA 437/86, 6.) OA 447/86, 7.) OA 171/87, 8.) OA 239/87,
9.) OA 256/87, 10.) OA 622/87, 11.) 761/87, 12.) O.A. 766/87,
13.) OA 776/87, 14.) OA 792/87, 15.) OA 800/87, 16.) OA 78/88,
17.) OA 183/88, 18.) OA 325/88, 19.) OA 458/88, 20.) OA 750/88,
21.) OA 771/88, 22.) OA 24/89, 23.) OA 840/89, 24.) OA 17/89,
25.) OA 46/89, 26.) OA 147/89, 27.) OA 336/89, 28.) OA 398/89,
29.) OA 426/89, 30.) OA 555/89, 31.) OA 559/89, 32.) OA 268/88,
33.) OA 44/87, 34.) OA 26/88, 35.) OA 782/89, 36.) OA 321/90,
37.) OA 473/89, 38.) OA 369/89, 39.) OA 294/89, 40.) 407/90.

1. Tr. Application No.414/87.

Shri H.K.Pardeshi.

2. Tr. Application No.418/87.

Shri P.G.Harne.

3. Tr. Application No.54/88.

Shri S.D.Pandey.

4. Original Application No.55/86.

Shri V.S.Gidwani.

5. Original Application No.437/86.

Shri V.P.Ayachit.

6. Original Application No.447/86.

Shri K.S.Bajwa.

7. Original Application No.171/87.

Shri Chandalal Varma.

8. Original Application No.239/87.

Shri D.N.Bhagat.

9. Original Application No.256/87.

Shri Gayadali Imdadali.

10. Original Application No.622/87.

Shri R.G.Sable.

11. Original Application No.761/87.

Shri D.G.Deo.

12. Original Application No.766/87.

Shri S.V.Gangal.

13. Original Application No.776/87.

Shri A.B.Khan.

14. Original Application No.792/87.

Shri D.D.Modak.

15. Original Application No.800/87.

Shri V.A.Malekar.

16. Original Application No. 78/88.
Shri S.M.Iqbal.
17. Original Application No. 183/88.
Shri R.K.Ram.
18. Original Application No. 325/88.
Shri V.G.Masudkar.
19. Original Application No. 458/88.
Shri B.N.Pawar.
20. Original Application No. 750/88.
Shri P.G.Gaikwad.
21. Original Application No. 771/88.
Shri S.D.Gade.
22. Original Application No. 24/89.
Shri R.Tanwar.
23. Original Application No. 840/89.
Shri V.B.Nagare.
24. Original Application No. 17/89.
Smt. A.B.Kadrolkar.
25. Original Application No. 46/89.
Shri A.K.Mahajan.
26. Original Application No. 147/89.
Shri N.Gopalan.
27. Original Application No. 336/89.
Shri P.T.John.
28. Original Application No. 398/89.
Shri Ravi Joharale.
29. Original Application No. 426/89.
Shri A.Vasu.
30. Original Application No. 555/89.
Shri B.R.Pandey.
31. Original Application No. 559/89.
Shri Rajendra Jha.

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32. Original Application No. 288/88.

Shri T.K.Nath.

33. Original Application No. 44/87.

Shri C.Pande.

34. Original Application No. 26/88.

Shri V.C.Pradhan.

35. Original Application No. 782/89.

Shri P.N.Nikalje.

36. Original Application No. 321/90.

Shri S.D.Patinge.

37. Original Application No. 473/89.

Shri D.S.Modi.

38. Original Application No. 369/89.

Shri M.B.Hashmi.

39. Original Application No. 294/89.

Shri B.Y.Mujawar.

40. Original Application No. 407/90.

Shri Narendrakumar Sadna.

... Applicants.

V/s.

Union of India & Ors.

... Respondents.

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ORAL JUDGMENT:

[Per Shri U.C.Srivastava, Vice-Chairman] Dated: 8.8.1991

In all these cases which are being heard and disposed of punishment has been awarded to the applicants as a result of disciplinary proceedings and after exhausting all the remedies the applicants have approached this Tribunal challenging the disciplinary proceedings and order passed thereon. One of the grounds which have been taken in these cases is that after the conclusion of the inquiry the Enquiry Officer's report were not given to them and as such they were not able to make any representation against conclusion arrived at by the Enquiry Officer or the punishment suggested by them and thereby the principles of natural justice have been abandoned. This matter has engaged the attention of the Full Bench of Central Administrative Tribunal in P.K.Sharma v. Union of India & Ors. A.S.L.J. 1988(2) 449 wherein it was held that after the 42nd amendment of Article 311(2) of the Constitution of India, the show cause notice provision had been removed but not reasonable opportunity which could be complied with by giving a copy of inquiry report was upheld. The Full Bench also held that a copy of the inquiry report was not furnished to the delinquent, it would tantamount to not affording reasonable opportunity to defend himself. A doubt was expressed by the Madras Bench of the Tribunal in the case of A.Philip v. Director General of Ordnance Factories & Anr. A.I.S.L.J. 1990 (2) CAT 631 wherein it was held that the Judgment referred in the case of P.K.Sharma (supra) will have the force of law from the date the judgment was rendered and that is why the matter was referred to a Full Bench of this Tribunal which decided the matter on 1.7.1991 sitting at Ahmedabad Bench. Prior