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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

O.A.634/89

Shri Vijay Vasant |Shelke

.. Applicant

V/s.

Divisional Railway Manager, C. Rly., Bombay.

Coram : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman.

Hon'ble Shri P.S. Chaudhuri, Member (A).

1. Tr. 141/87.
2. O.A. 528/89.
3. O.A. 634/89.
4. O.A. 662/89.
5. O.A. 759/89.
6. O.A. 76/90.

Oral Judgment:-

Dated: 3.9.1991.

{Per Shri U.C. Srivastava, Vice-Chairman}

The applicants have approached this Tribunal against the disciplinary action taken against them awarding various punishments. The applicants apart from other pleas have taken the plea that the Enquiry Officer's report was not given to them by the Enquiry Officer or Disciplinary Authority before awarding the punishment. The contention on behalf of the applicants ^{is that they} were not given an opportunity of filing a representation against the Enquiry Officer's report and thereby they were deprived from challenging the same which might have resulted in not awarding punishment at all and according to the applicants this was in violation of principles of natural justice ^{as laid down} in the case of Union of India v. Mohd. Ramzan Khan, CAT 1990 S.C. 56. We have also taken the same view in a bunch of cases by the phrase 'retrospective effect' and not 'prospective effect' as observed in ~~as observed in~~ ~~of Mohd. Ramzan Khan's case.~~ Accordingly all these applications are allowed and the punishment order in every case is set aside. However, it is being made clear this will not preclude the respondents from proceeding with the inquiry from the stage of giving Enquiry Officer's report to the delinquent employee and thereafter proceed in accordance with law. No order as to costs.