

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 885/89 199 2
T.A. NO:

DATE OF DECISION 26.9.1991

Shri U.B. Sapkale.

Petitioner

Shri D.V. Gangal.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri V.S. Masurkar.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, Vice-Chairman,

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 ?

mbm*

(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY,

Original Application No.885/89.

Shri U.B.Sapkale.

3

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,
Hon'ble Shri M.Y.Priolkar, Member(A).

Appearances:-

Applicant by Shri D.V.Gangal.

Respondents by (Shri V.S.Masurkar) ^{Advocate}

R.K Shetty ^{Advocate}

Oral Judgment:-

Dated: 26.9.1991.

(Per Shri Justice U.C.Srivastava, Vice-Chairman)

*Corrected
10/12*
The applicant was appointed as a Store Keeper on 10.1.1980 in the Ordnance Factory, Bhusaval on the basis of his Scheduled Tribe certificate. On 19.1.1985 a charge sheet was issued to him regarding securing of the employment on the basis of fictitious certificate. A departmental inquiry took place and the Inquiry Officer submitted his report to the Disciplinary Authority and the Disciplinary Authority relying on the same imposed a penalty of reduction to the minimum of Rs.950/- p.m. in the time scale of pay of Rs.950-1500 for a period of one year w.e.f. 7.4.1988. The applicant preferred an appeal, but the same was dismissed.

2. The applicant has challenged the inquiry on a variety of grounds including on the ground that the Inquiry Officer's report was not given to him which would have given an opportunity to raise an effective representation against the enquiry proceedings and the punishment given to him. The requirement of giving the Inquiry Officer's report to enable him to make an effective representation against the proceedings and the punishment is a requirement of principles of natural justice. wherever an inquiry is held and the Inquiry Officer finds the charged official guilty and the disciplinary authority

...2.

punishes the employee, the nongiving of the enquiry report vitiates the proceedings and the punishment order as has been held by the Hon'ble Supreme Court in the case of Union of India v. Mohd. Ramzan Khan, AIR 1991 471. Even if a person admits the guilty which he challenges it is always open for him to challenge the so called admission on various grounds including that it was under coersion or it was procured or it was under ignorance. In view of the facts that the applicant was not given reasonable opportunity to defend himself the principles of natural justice is violated, the punishment order cannot be sustained. Accordingly, this application ~~is allowed.~~ (The charge sheet dt. 19.1.1985) the punishment order dt. 7.4.1988 and the appellate order dt. 26.1.1989 are hereby quashed. However, it is made clear that it will not preclude the disciplinary authority from going ahead with the disciplinary proceedings beyond the stage of giving the Inquiry Officer's report to the applicant giving him reasonable time to file objections against the same. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

~~2. The words, The charge sheet dt. 19-1-85
B.S.M.~~

~~deleted wide order dt. 1-6-92 in RP 7962~~


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116/92