

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL



NEW BOMBAY BENCH

O.A. No. 720
T.A. No.

1989

DATE OF DECISION 18-11-89

V. N. Gayahde Petitioner

Mr. D. B. Waltraue Advocate for the Petitioner (s)

Versus

Union of India & others Respondent

Mr. Ramesh Darda Advocate for the Respondent (s)

AM By Hon. Mr. Justice U.C. Srivastava, U.C.

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

Hon'ble Mr. M. V. Pralhar, member (A)

Whether Reporters of local papers may be allowed to see the Judgement?

To be referred to the Reporter or not?

Whether their Lordships wish to see the fair copy of the Judgement?

Whether it needs to be circulated to other Benches of the Tribunal?

Handwritten signature or mark

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

Registration O.A. No. 720 of 1989

V.N.Gajghate Applicant

Vs.

Union of India & Others Respondents

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

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


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

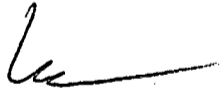
The applicant who is the Ex-Extra Departmental Branch Post Master was chargesheeted. An Enquiry Officer was appointed he submitted his reply, and the enquiry proceeded. The applicant has raised various grievances against the enquiry proceedings from the very beginning to the end. The enquiry report was submitted by the Enquiry Officer to the Disciplinary Authority without supplying copy of the same to the applicant. The Disciplinary Authority attached certain documents in the same and sent it back to the Enquiry Officer. The Enquiry Officer thereafter making an enquiry again submitted the same to the Disciplinary Authority. This time also the copy of the same was not given to the applicant, and the Disciplinary Authority removed the services of the applicant vide order dated 29.6.85.

2. Although, the applicant has raised the various grievances against the punishment order, but the application deserves to be allowed on the ground that the Enquiry Officer's report was not supplied to the applicant either by the Enquiry Officer or by the Disciplinary Authority to enable him to file a representation against the proceedings and the proposed punishment. This violates the principle of natural justice and vitiates the proceedings and the punishment

order as has been held in the case of Union of India Vs. Mohd. Ramzan Khan, AIR 1990(1) SC 471. In which it has been held whenever an Enquiry Officer is appointed and enquiry is held and Enquiry Officer submitted his report to the Disciplinary Authority proposing the punishment to the delinquent employee. Thus supply of Enquiry Officer's report to the employee is must. In case the same is not done, it will violates the principle of natural justice and vitiates the enquiry.

3. Accordingly this application deserves to be allowed and the punishment orders dated 29.6.85 and 5.7.85 are quashed and the appellate order dated 25.3.86 is quashed, and the applicant deemed to be continue in service with all consequential benefits. However, this judgment will not preclude the Disciplinary Authority from going ahead with the disciplinary 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.

18th November, 1991, Nagpur.

(sph)

5/11/91
on 5/11/91