

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED] BOMBAY BENCH

O.A. No. 925/89
T.A. No.

198

DATE OF DECISION 5-2-92

Shri Prakash Shankar More Petitioner

Shri Gopuchkar for Shri Anil Rege Advocate for the Petitioner(s)

Versus

Union of India Respondent

Shri P.M. Pradhan 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?

MGIPRRND-12 CAT/86-3-12-86-15,000


(U.C.SRIVASTAVA)

Vice-chairman

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY
Original Application 925/89

Shri Prakash Shankar More ..

Applicant

vs

1. Union of India,

2. The Member(Personnel)
Postal Services Board,
Dak Tar Bhavan,
Parliament Street.
New Delhi-110001

3. The Controller of Foreign Mails
Ballard Pier,
Bombay-400-038

4. Superintendent, Foreign Posts
Bombay-400-038.

Respondents.

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

Apperances:

Shri Gopuchkar for
Shri Anil Rege, Adv. for the
applicant.
Shri P.M.Pradhan
for the respondents.

Dated 5-2-92

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

The applicant was born in the employment of Department of Postal Services. The applicant was working in the capacity of Postal assistant with D.B.O. Department of the Foreign Mails Wing of the Respondent No.1. The applicant was compulsorily retired from the service on 30th September, 1988. The applicant approached this Tribunal. After preferring an appeal to the Respondent No.3 on 14th November 1988 applicant demanded reinstatement in service. The applicant was working in the Foreign Mails Wing for 15 years. Vide order dated 5th August, 1987 the

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applicant was suspended . The applicant was served with chargesheet on 8th Sept. 1987. The charges against him were lack of devotion to duty violating the provisions of Rule 3(1),(ii), of C.C.S. Conduct Rules,1964, and applicant acted in a manner unbecoming of a Govt. servant and thereby violated the provision of Sub.Rule(iii) of Rule 3(1) of C.C.S. Conduct Rules 1964. The Enquiry Officer submitted his report to the Disciplinary Authority. The Disciplinary Authority awarded the punishment. The application deserved to be allowed. This case attracts the Supreme Court Judgement Union of India v. Mohd. Ramzan Khan (AIR 1991 Supreme Court 471). It has been held "that for dowing away with the effect of the enquiry report or to meet the recommendations of the Inquiry Officer in the matter of imposition of punishment, furnishing a copy of the report becomes necessary and to have the processing completed by using some materials behind the back of the delinquent is a position not countenanced by fair procedure." ***

2, It is held that there is no case against the applicant. The order dated 4th Oct. 1988 is quashed. There will be no order as to costs.

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M.Y. Prfolkar

(M.Y. Prfolkar)
Member(A)

U.C.Srivastava

(U.C.Srivastava)
Vice-Chairman

*** The applicant has filed M.P. /92/ for bringing the legal heir on record. The application is allowed and the legal heir is brought on record. The delay in filing the application is condoned.