

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" NO.6
PRESCOT ROAD, BOMBAY-1

CIRCUIT SITTING AT PANAJI, GOA

O.A. 764/90

Madhusudan K. Kambli
House No.846
Chikhaliwada
Colvale
Bardez - Goa

.. Applicant

V/s.

1. Collector of North Goa District
Collectorate, Panaji, Goa
2. The Chief Secretary
Government of Goa
Secretariat, Panaji, Goa.
3. State of Goa
Secretariat,
Panaji, Goa

.. Respondents

Coram: Hon. Shri Justice U C Srivastava, V.C.
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE

Mr. R R Sangodkar
Advocate
for the applicant

Mr. H R Bharne
Counsel
for the respondents

ORAL JUDGMENT:

DATED: 26-08-1991

(PER: U C Srivastava, Vice Chairman)

The applicant who was working as Awal Karkoon was given a charge sheet for committing certain acts of omission and commission. The charge against him was that on the basis of an application he not only deleted the name of party by giving mutation entry but also added other entries without any provision empowering him to delete the entries from the record of right and the entry is deleted without any proof. An inquiry officer was appointed. The applicant appeared before the inquiry officer and submitted his reply and plea. After explanation dated 19.4.1986 that he was ignorant of the legal position and there was no malacious intention towards anybody and the entry was made

through ignorance and it was only a bonafide mistake, the inquiry officer came to the conclusion that the charge against the applicant in issuing malafide instruction based on mutation entry was proved. According to the applicant no malafide against him was proved nor was there any evidence in this behalf. As a result of inquiry, the Disciplinary Authority passed an order of compulsory retirement. The applicant has filed this application aggrieved by the punishment imposed upon him.

On behalf of the applicant it has been contended that the copy of inquiry report of inquiry officer was not furnished to the applicant before the disciplinary authority passed the punishment order in the matter. As a matter of fact the applicant was deprived of his right to prefer a representation before the disciplinary authority. It appears from the assertion that the inquiry officers report was not given to the applicant by the respondents which is in violation of principles of natural justice which controversy has been settled by the Supreme Court in the case of Md. Ramjan Khan's case (1990(2) SCALE 1094) and by a Full Bench decision of this Tribunal. This Tribunal also has passed in all such matters similar orders as contained in the Supreme Court judgment. Accordingly this application is allowed in part and the punishment order is quashed. But it is made clear to the respondents that it is open for them to go ahead with the inquiry from the stage of supplying a copy of inquiry officers report to the applicant. There will be no order as to costs. The applicant will be deemed ^{to be} in service and entitled to all consequential benefits. ✓


(M Y PRIOLKAR)
MEMBER (A)


(U C SRIVASTAVA)
VICE CHAIRMAN