

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 664/91 199  
T.A. NO: -----

DATE OF DECISION 4-11-1991

Mr. P. Ramanujam Petitioner

Mr. G. S. Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. R. K. Shetty Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. A.Y. Priolkar, Member(A)

The Hon'ble Mr. D.K. Agrawal, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? P
3. Whether their Lordships wish to see the fair copy of the Judgement ? P
4. Whether it needs to be circulated to other Benches of the Tribunal ? P

*D.K. Agrawal*  
4. 11. 91.  
(D.K. AGRAWAL)

03)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.664/91

Mr.P.Ramanukam,  
C/o.Shri G.S.Walia,  
Advocate High Court,  
16, Maharashtra Bhavan,  
Mezzanine Floor,  
Bori Masjid Road,  
Behind Handloom House,  
Fort,  
Bombay - 400 001.

.. Applicant

vs.

1. Union of India  
through  
Ministry of Defence,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta 700 001.
2. Director General of  
Ordnance Factory,  
10-A, Auckland Road,  
Calcutta 700 001.
3. General Manager,  
Ammunition Factory,  
Kirkee,  
Pune - 400 020.
4. Joint Director/VIG,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta - 700 001.

.. Respondents

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri D.K.Agrawal, Member(J)

Appearances:

1. Mr.G.S.Walia  
Advocate for the  
Applicant.
2. Mr.R.K.Shetty  
Counsel for the  
Respondents.

ORAL JUDGMENT:

Date: 4-11-1991

Per D.K.Agrawal, Member(J)

Heard Mr.G.S.Walia, advocate for the  
applicant and Mr.R.K.Shetty, Counsel for the  
respondents.

2. This application filed under Section 19  
of the Administrative Tribunals Act, 1985 is directed  
against an order of punishment of dismissal from  
service dt. 31-12-1985 as confirmed in appeal on

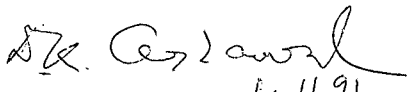
*D.K. Agrawal*


1st April, 1986.

3. The applicant has raised a number of grounds for setting aside the impugned order of dismissal. However, we find that without going to the merits, this application can be disposed of on one point alone. The applicant alleges that he was not furnished copy of the inquiry report before the Disciplinary Authority actually imposed the penalty of dismissal from service. In view of the decision in the case of Union of India vs. Mohd. Ramzan Khan, AIR 1991 SC 471, furnishing of copy of the report of the Inquiry Officer is a necessary ingredient before imposition of penalty. Failure to do so has been held to be violative of principles of natural justice which remained unaffected by the 42nd Amendment of the Constitution. Consequently the impugned order of dismissal as confirmed in appeal has got to be set aside.

4. In the result we set aside the impugned order of dismissal dtd. 31-12-1985 as confirmed vide order dtd. 1-4-1986 with liberty to the Disciplinary Authority to proceed from the stage of furnishing a copy of the inquiry report to enable the delinquent employee to submit a representation to the Disciplinary Authority against the findings of the Inquiry Officer. The Disciplinary Authority may thereafter proceed to impose the punishment or exonerate the applicant as the case may be. Needless to say that in case the applicant is still aggrieved he is at liberty to approach this Tribunal after exhausting all departmental remedies.

5. Parties to bear their own costs.

  
(D.K. AGRAWAL)  
Member (J)  
4.11.91.

  
(M.Y. PRIOLKAR)  
Member (A)  
4-11-91