

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

(4)

O.A. NO: 150/91

199

T.A. NO:

DATE OF DECISION 1.4.92

Shri Vijay (Chabad) J. Jadhav Petitioner

Shri D.V. Gangal Advocate for the Petitioners

Versus

Union of India and two others Respondent

Shri V.S. Masurkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Miss Usha Savara, Member (A)

The Hon'ble Mr. S. Santhanakrishnan, Member (J)

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 ?

N v

mbm*


(S. SANTHANAKRISHNAN)
MEMBER (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 150/91

Shri Vijay (Chabad) J. Jadhav
V/s.

... Applicant

Union of India through the
Chief of Naval Staff,
Naval Headquarters, Sena Bhavan,
New Delhi and two others

... Respondents.

CORAM: Hon'ble Miss Usha Savara, Member (A)
Hon'ble Shri S.Santhanakrishnan, Member (J)

Appearance:

Mr. D.V. Gangal, advocate
for the applicant

Mr. V.S. Masurkar, advocate
for the respondents.

ORAL JUDGEMENT

Dated: 1.4.92

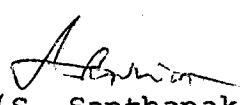
[Per Shri S.Santhanakrishnan, Member (J)]

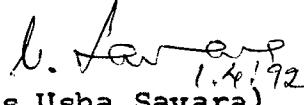
Applicant has come forward with this application challenging the orders dated 16.7.88, 13.7.89 and 22.8.90. Though the applicant has raised several grounds in the application about the validity of these orders, learned counsel appearing for the applicant has stated now that the Disciplinary Authority has failed to supply to the applicant the copy of the inquiry report and finding and as such, on the above ground, the order is liable to be set aside in view of judgement in Ramzan Khan's case reported in AIR 1991 SC .P. 471 and the subsequent full bench judgement of our Tribunal. Learned counsel appearing for the respondents admitted the plea that they had not supplied the copy of the inquiry report and this only contention was that it is not necessary to supply the same. In view of the judgement in Ramzan Khan and the subsequent full bench judgement of the Tribunal, we are unable to agree to this contention of the learned counsel appearing for the respondents. Hence the above said three orders

are liable to be quashed and accordingly we quash the above said three orders dated 16.7.88, 13.7.89 and 22.8.90.

In view of the above discussion the order of the reviewing authority, the appellate authority as well as the disciplinary authority are hereby quashed and set aside. However this decision will not preclude the disciplinary authority from reviving the proceedings (if they so desire) from the stage of giving the Inquiry Officer's report to the applicant and give him time to file objections against the same and concluding the procedure in accordance with law. If they take any such action against the applicant they are required to pass the final order within three months from the date of receipt of copy of this order.

We however make no order as to cost.


(S. Santhanakrishnan)
Member (J)


1.4.92
(Miss Usha Savara)
Member (A)