

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 716/93

Transfer Application No: ---

DATE OF DECISION: 22-7-94

Nanu Pillai Krishnan Unnithan

Petitioner

Mr.N.M.Ganguli

Advocate for the Petitioners

Versus

U.O.I. & Ors.

-----Respondent

Mr.A.I.Bhatkar

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman

The Hon'ble Shri V.Ramakrishnan, Member(A)

1. To be referred to the Reporter or not ? m
2. Whether it needs to be circulated to other Benches of the Tribunal ? m


(M.S.DESHPANDE)
VC

M

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.716/93

Nanu Pillai Krishnan Unnithan .. Applicant

-versus-

Union of India & others .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

Hon'ble Shri V.Ramakrishnan,
Member(A)

Appearances:

1. Mr.N.M.Ganguli
Counsel for the
Applicant.
2. Mr.A.I.Bhatkar
Counsel for the
Respondents.

ORAL JUDGMENT: Date:22-7-1994
(Per M.S.Deshpande, V.C.)


Heard Mr.N.M.Ganguli for the applicant and Mr.A.I.Bhatkar for the respondents. The only question which arises for consideration is whether the same Inquiry Officer who conducted the enquiry earlier in 1989 should be allowed to continue as the Inquiry Officer. The finding of the Inquiry Officer, the penalty imposed by the disciplinary authority and the appellate order were all set aside by the decision of the Ernakulam Bench of this Tribunal and de-novo enquiry has been ordered right from the stage of the framing of the chargesheet. Since the applicant had already appeared before the Inquiry Officer Shri Roy and the ultimate decision upto the appellate stage went against the applicant he had a reasonable apprehension

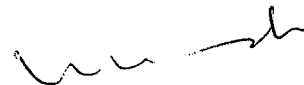
that he may not get a proper consideration.

2. Since the enquiry is to start afresh we see no reason why the disciplinary authority cannot appoint another Inquiry Officer. Shri A.I.Bhatkar, learned counsel for the respondents states that it is not that another officer cannot be appointed.

3. We, therefore, direct the department to appoint another Inquiry Officer in place of Shri Roy who is now conducting the enquiry. The Inquiry Officer so appointed will proceed to hold the enquiry pursuant to the directions given by the Ernakulam Bench. The enquiry shall be completed as expeditiously as possible preferably within four months. Applicant's promotions may be regulated according to the rules.

4. O.A. disposed of.


(V. RAMAKRISHNAN)
Member(A)


(M.S. DESHPANDE)
Vice-Chairman