

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

JODHPUR BENCH, AT JAIPUR.

T.A.No.2183/86  
(Civil Suit No.280/84)

Date of Order: 20th Jan., 1992.

Sohan Lal - Applicant.  
Mr.J.K. Kaushik - Counsel for the Applicant.

Vs.

U.O.I. - Respondents.  
Mr. G.P. Soral - Counsel for the Respondents.

CORAM:

1. The Hon'ble Mr. Kaushal Kumar - Vice Chairman.
2. The Hon'ble Mr. Gopal Krishna - Member (Judl.)

Mr. Kaushal Kumar, Vice Chairman.

This is a Civil Suit filed in the Court of Munsif North, Kota (Civil Suit No.280/84) which now stands transferred to this Tribunal under Section 29(1) of the Administrative Tribunals Act, 1985, and registered as TA No.2183/86. In this suit, the applicant had challenged his reduction to the post of Ticket Collector from the post of Travelling Ticket Examiner. This penalty was imposed upon him vide order dated 15th March, 1984. A copy of the said order has been produced before us by the learned counsel for the respondents Shri G.P. Soral and the same is placed on the record. The impugned order indicates that a copy of the DAR Enquiry Report was ~~being~~ sent to the petitioner/plaintiff along with the order imposing the penalty. It is not denied by the respondents that the copy of the enquiry report had not been furnished to the applicant by the Disciplinary Authority before imposition of the penalty.

2. In U.O.I. & Others Vs. Mohd Ramzan Khan (JT 1990 (4) SC 456 ), The Hon'ble Supreme Court observed as follows :-

"Para 18. We make it clear that wherever there has been an Inquiry Officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a copy of such report and will also be entitled to

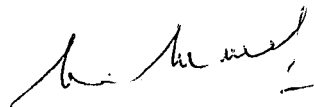
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make a representation against it, if he so desires, and non-furnishing of the report would amount to violation of rules of natural justice and make the final order liable to challenge hereafter".  
legal

3. In view of the legal position stated above, the T.A. is allowed and the penalty imposed vide order dated 15th March, '84 is hereby quashed. However, the respondents will be at liberty to proceed from the stage of supply of the enquiry report in accordance with rules and law on the subject.
4. The parties to bear their own costs.

G.Krishna  
(GOPAL KRISHNA)  
MEMBER (JUDL.)

  
(KAUSHAL KUMAR)  
VICE CHAIRMAN.