

RJ

In the Central Administrative Tribunal, Circuit Bench
at Jaipur.

Date of Order : March 21, 1991.

T.A. No. 2351/86.

Somran Singh

...Applicant.

Mr. J.K. Kaushik

...Counsel for Applicant.

vs.

Union of India & another

...Respondents.

Mr. G.P. Soral

...Counsel for Respondents.

CORAM:

The Hon'ble Mr. Kaushal Kumar, Vice Chairman

The Hon'ble Mr. Gopal Krishna, Judl. Member

MR. KAUSHAL KUMAR, VICE CHAIRMAN:

This is a civil suit filed in the court of Munsif North, Kota, which now stands transferred to this Tribunal u/s 29(1) of the Administrative Tribunals Act, 1985.

2. In this application, the applicant, who was a Ticket Collector posted at Agra Fort, Western Railway, has challenged the order of removal from service imposed on him vide order dated 31.7.85 filed as Annex. R/ with the written statement filed by the Respondents.

3. It is also stated in the impugned order that a copy of the enquiry report was ^{being} sent to the applicant along with the order imposing the penalty of removal from service.

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4. The fact that the enquiry report was not furnished to the applicant before imposition of the penalty, is not disputed by the Respondents. In Union of India & others v. M^{ohd.} Ramzan Khan (Civil Appeal No. 571 of 1985) (1990 IV SVLR (L) 179), the Supreme Court observed as follows :-

"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 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.

On the basis of this conclusion, the appeals are allowed and the disciplinary action in every case is set aside. There shall be no order for costs. We would clarify that this decision may not preclude the disciplinary authority from revising the proceeding and continuing with it in accordance with law from the stage of supply of the inquiry report in cases where dismissal or removal was the punishment."

5. Accordingly, we hereby quash the order of removal from service but clarify that this would not preclude the disciplinary authority from revising the proceeding and continuing with it in accordance with law from the stage of supply of the enquiry report. There shall be no order as to costs.

Gopal

(Gopal Krishna)
Judl. Member


(Kaushal Kumar)

V.C.