

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

G.A. No. 818/92

Date of decision: 5.10.94

CHANSHYAM

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. N.K. Verma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. Applicant has challenged the Appellate Order dated 4.10.89 passed by the Divisional Personnel Officer and the order dated 28.6.89 passed by the Disciplinary Authority. The applicant was charge-sheeted and the inquiry was conducted, and on the basis of the findings of the Disciplinary Authority, punishment of removal from service was imposed on the applicant. The applicant's main grievance is that he applied for the documents and the documents were not supplied to him and, thus, there is a violation of the principles of natural justice. The second limb of the argument is that vide Annexure R-1, a fresh Enquiry Officer was appointed vide letter dated 1-12-88. In this letter, no reason has been given for the appointment of the fresh Enquiry Officer and the fresh inquiry cannot be conducted. It was also submitted that the respondents have not submitted with Annexure R-1, the copies of the documents on which the fresh enquiry was to be conducted. Mr. Kaushik points out that fresh inquiry cannot be conducted and only for the purpose of ulterior motive, the orders for fresh inquiry were passed and the new appointment was made. It was also submitted that the respondents have not considered the points raised in the memorandum of the appeal and the applicant has also

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submitted that inspite of request of personal hearing, no personal hearing was given to him. Mr. Manish Bhandari, appearing on behalf of the respondents, Nehru ~~submitted~~ ^{Submitted} vehemently ~~submitted~~ the judgments of the Disciplinary Authority and the Appellate Authority and further submitted that it is not a case of fresh inquiry, but a case of further inquiry. He also submitted that there is no prejudice caused to the applicant. As far as the documents are concerned, it was submitted by Mr. Manish Bhandari that they were not relied upon. We would not like to make any observation at this stage.

3. The order passed by the Appellate Authority, Annexure A-1, dated 1.10.89 is not a speaking order. We set aside the order dated 4.10.89 passed by the Appellate Authority and direct him to reconsider the case of the applicant and to pass a fresh order within a period of three months from the date of receipt of the copy of this order. The applicant will be at liberty to submit the additional grounds within a period of one month from today (5-10-94). The Appellate Authority shall also give a personal hearing to the applicant.

4. The O.A. is disposed of accordingly, with no order as to costs.

N.K. Verma
(N.K. VERMA)
Administrative Member

D. Mehta
D.L. MEHTA
Vice-Chairman