

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

GA 971/90.

Dt. of Order: 11-3-92.

Syed Zaheer Hussain

....Applicant

Vs.

1. Sr. Superintendent RMS,
Hyderabad Sorting Division,
Hyderabad.
2. Director of Postal Services,
A.P. Northern Region, Hyderabad.
3. Government of India, Ministry
of Communications, represented by
Member (F), Postal Services Board,
Oak Bhavan, Sansad Marg, New Delhi.

....Respondents

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Counsel for the Applicant : Sri B. Tharakam

Counsel for the Respondents : Sri N.V. Ramana

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CORAM:

THE HON'BLE SHRI R. BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI T. CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Division Bench dictated by
Hon'ble Sri R. Balasubramanian, Member (A)).

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This Original Application is filed by Sri Syed
Zaheer Hussain against the Sr. Superintendent, RMS, Hyderabad
Sorting Division, Hyderabad, and two others with a prayer to
direct the Respondents to reinstate the applicant into duty
with all consequential benefits by quashing the order of
dismissal issued in proceedings No. 82/L/SZ Hussain dt. 11-10-88.

2. The applicant was working as Sorting Assistant at

Hyderabad sorting Division during the year 1988. A memo of charges served on the applicant and the enquiry was conducted into the said charges. Based on the enquiry report, the order of punishment of dismissal was served on the applicant vide impugned order dt.11-10-88. The applicant preferred an appeal dt.7-11-88 and the same was rejected by the Appellate Authority in his order dt.29-5-89. Against the order dt.29-5-89 the applicant preferred a revision and the same was also rejected on 6-8-90. Aggrieved by this order the applicant had approached this Tribunal.

3. The Respondents have filed counter and opposed the case. It is their case that the due procedure had been followed before imposing the punishment and the subsequent orders passed by the Respondents are also in accordance with rules. When the case was taken-up for hearing today Sri B.Tarakam, learned counsel for the applicant draw our attention to the fact that a copy of the Enquiry Officer's Report was not served on the applicant before passing the order of dismissal. This fact is not disputed by the Respondents. This straightaway attracts the law laid down by the Hon'ble Supreme Court in Union of India Vs. Mohd. Ramzhan Khan. Sri N.V.Ramana, learned counsel for the Respondents however points out that the law laid down by the Hon'ble Supreme Court in Union of India Vs. Mohd Ramzhan Khan was not there at the time of

passing the impugned

order. We do not agree with this contention because this law has to be applied to ^{all} the cases ^{including those} pending before this Tribunal. Hence applying the law laid down by the Supreme Court we quash the impugned order. This, however, will not preclude the Respondents from supplying a copy of the enquiry report (if not already supplied) to the applicant and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. The application is allowed to the extent indicated above but in the circumstances we make no order as to costs. If the Respondents choose to continue the disciplinary proceedings and complete the same, the manner as to how the period spent in the proceedings should be treated would depend upon the ultimate result. Nothing said herein would affect the decision of the Disciplinary Authority. At the same time, we hasten to add, that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. That is entirely left to the discretion of the Disciplinary Authority.

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member (A)

T. Chandrasekhar Reddy
(T. CHANDRASEKHAR REDDY)
Member (J)

Dated: 11th March, 1992.
Dictated in Open Court.

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823/3/92
Deputy Registrar (J)

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4. VSR
23/3/92
TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

DATED: 17-3-1992

ORDER/JUDGMENT:

R.A/C.A/M.A.No.

in

O.A.No. 971/90-

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No. order as to costs.

