

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A. No.987/90

Date of order: 4.1.1991

Between

K.V. Sambasiva Rao

.. Applicant

Vs.

1. Union of India rep. by  
the Secretary, Ministry  
of Communications,  
New Delhi.

2. Dy. General Manager,  
Telecom, West Godavari Dist.,  
Eluru West Godavari Dist.

3. Divisional Engineer,  
Telecom, Eluru.

.. Respondents

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APPEARANCE

For the Applicant : Shri T. Jayant, Advocate

For the Respondents : Shri Naram Bhaskara Rao, Addl.  
Standing Counsel for Central Govt.

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CORAM

THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI D. SURYA RAO, MEMBER (JUDICIAL)

for

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(Judgement of the Bench delivered by Shri B.N.Jayasimha)  
Hon'ble Vice Chairman

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The applicant herein who has been working as Telephone Operator, in the Telecom Department has filed this application questioning the order No.E/Disc/KVST/85-86 dt.15.10.1987 passed by the 3rd respondent dismissing him from service by way of punishment under C.C.S (CCA) Rules, 1965. He also seeks to question the consequential order of the second respondent dt.4.1.90 confirming the order of the 3rd respondent dt.15.10.87. The orders of removal were passed after the 3rd respondent appointed an Inquiry Officer to conduct an inquiry in to the charge levelled against the applicant. The said inquiry was commenced on 20.8.85 and completed on 13.8.1987. The applicant assails the Enquiry Proceedings on various grounds. One of the grounds raised <sup>is that</sup> ~~was~~ the Enquiry Officer's report was not made available to him before the disciplinary authority passed the order of dismissal. He therefore seeks quashing of the orders of dismissal as confirmed by the appellate authority.

2. We have heard Shri T. Jayant, learned counsel for the applicant and Shri Naram Bhaskara Rao, Addl. Standing Counsel for Central Govt., Shri Jayant states that although <sup>the applicant has</sup> ~~he~~ raised several grounds in questioning the impugned order, his prime attack is on the ground of violation of rules of natural justice in as much as the

for

(Contd....)

To

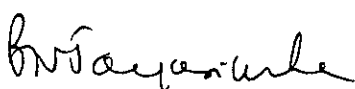
1. The Secretary,  
Ministry of Communications, Union of India,  
New Delhi.
2. The Dy.General Manager,  
Telecom, West Godavari Dist.,  
Eluru West Godavari Dist.
3. Divisional Engineer, Telecom, Eluru.
4. One copy to Mr. T.Jayant, Advocate. CAT.Hyd.Bench.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.Bench.
6. One spare copy.

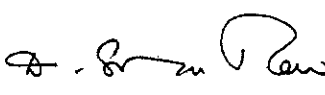
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disciplinary authority has passed the orders on the basis of the Enquiry Officer's report without furnishing <sup>to the applicant</sup> a copy of the Enquiry Officer's report and giving him an opportunity of representing against that report. He relies on the Supreme Court decision reported in Union of India & Others Vs. Mohd. Ramzan Khan (JT 1990 (4) SC 456). In that judgement the Supreme Court held that

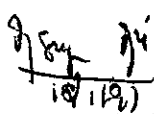
"We make it clear that wherever there has been an Inquiry Officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry holding the delinquent guilty of all or any of the charges with proposal for any particular punishment or not, the delinquent is entitled to a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

Applying the decision above we set aside the order of the disciplinary authority. However, this order does not preclude the disciplinary authority from continuing the proceedings after furnishing a copy of the Enquiry Officer's report to the applicant and giving him an opportunity to represent against the report and then passing the orders. The application is allowed to the extent indicated above. No order as to costs.

  
(B.N. JAYASIMHA)  
VICE CHAIRMAN

  
(D. SURYA RAO)  
MEMBER (JUDICIAL.)

Dictated in the open court  
Dt. 4th January, 1991

  
Deputy Registrar (Judl)

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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA : V.C.

AND

THE HON'BLE MR.D.SURYA RAO : M(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)

AND

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

Dated: 4-1-1991.

ORDER / JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A.No.

W.P.No.

O.A.No.

987/90

Admitted and Interim directions  
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

