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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH:: AT HYD.

O.A.No.200/91.

Date of Decision: 22.11.1991

Between:

S.Md. Hussain .. Applicant

Vs.

1. Senior Superintendent of Railway Mail Service, Hyderabad Sorting Division, Hyderabad-500 027.
2. The Director of Postal Services, A.P. Northern Region, Hyderabad.
3. Member (P), Postal Services Board, New Delhi-110 001

.. Respondents

For the applicant : Shri S.Ramakrishna Rao, Advocate.

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

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

X JUDGMENT OF THE BENCH AS PER HON'BLE SHRI R.BALASUBRAMANIAN,
MEMBER (ADMN.) X

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This application is filed by Sri S.Md. Hussain against Senior Superintendent of Railway Mail Service, Hyderabad Sorting Division, Hyderabad-500 027 and two others under sec. 19 of the Administrative Tribunals Act, 1985 with a prayer that the penalty inflicted upon him be quashed.

2. At the relevant time the applicant was working as Sorting Assistant in the Hyderabad Sorting Office. It is alleged that

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there was some altercation between the applicant and Supervisor Incharge of the Unit and a departmental enquiry was instituted to inquire into the incidence of the case and that a charge-sheet was served on the applicant. Later, an inquiry was also held. The Senior Supdt. of Railway Mail Service, Hyderabad Sorting Office had issued a punishment order dt. 21-1-1988 removing the applicant from service. The applicant preferred an appeal to the Director of Postal Services, who modified the order of punishment, reinstating the applicant with reduction of pay from Rs.1180/- to the minimum of the scale for a period of 3 years. Thereupon, the applicant submitted a Review Petition to the Member (P), Postal Services Board. He further modified the order relating to the postponement of his future increments. Aggrieved by these orders, the applicant approached this Tribunal with the present O.A. The respondents opposed the application and filed counter affidavit.

3. We have examined the case and heard learned counsels for both the sides.

4. At the time of hearing our attention was drawn to the fact that the disciplinary authority had not furnished the copy of the enquiry report before inflicting the punishment order. We also find from the copy of the punishment order that Enquiry Report was enclosed thereto only. This straight-away attracts the law laid down by the Hon'ble Supreme Court of India in the case of Union of India Vs. Ramzan Khan, that the principles of natural justice have not been observed in this case. Under these circumstances, we quash the punishment order dt. 21-1-1988 bearing No.B1/67/PF and the subsequent order

passed by Respondents No.2 & 3 in appeal and petition respectively.

5. This, however, will not preclude the respondents from supplying a copy of the enquiry report to the applicant and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. This 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 proceedings. That is entirely left to the discretion of the Disciplinary Authority.

R.Balasubramanian:

(R.BALASUBRAMANIAN)
MEMBER (A)

(C.J. ROY)
MEMBER (J)

Date: 7th February 92

8/2/92
Deputy Registrar (J)

To grh.

1. The Senior Superintendent of Railway Mail Service, Hyderabad Sorting Division, Hyderabad-27.
2. The Director of Postal Services, A.P.Northern Region, Hyderabad.
3. The Member(P) Postal Services Board, New Delhi-1.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC.CAT.Hyd.
6. One spare copy.
7. one copy to D.R.(J).

pvm

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