IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No. 63/93 Dt. of order: 6.5.94

Fatte : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.Rajendra Soni : Counsel for applicant

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant Sh. Fatte in this application under Sec. 19 of the Administrative Tribunals Act, 1985, has assailed the order dated 19.11.91 received in the office on 10.1.93 by which he was inflicted with the punishment of removal from service. He has also prayed for being allowed to continue on the post of Gangman.

2. We have heard the learned counsel for the parties and have perused the records.

3. The applicant's case is that while serving as a Gangman in the office of the PWI, CTR, he was served with a charge sheet for the misconduct of procuring employment on the basis of a bogus service/employment card. An enquiry into the alleged misconduct was held and after the submission of the enquiry report the Disciplinary Authority imposed the penalty of removal upon the applicant which is being challenged on the ground that the enquiry was conducted in violation of the principles of natural justice in as much as an opportunity of hearing was not granted to the applicant and the alleged bogus service card was not shown to him. It is also urged that the copy of the enquiry report was not given to the applicant. The learned counsel for the respondents states that the report of the Inquiry Officer and the penalty order dated 9.11.91 was offered to the applicant on 10.1.93 but they were not accepted by him. The learned counsel for the applicant contends that the report of the Inquiry Officer

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and the penalty order were not given to the applicant. Admittedly, the applicant had not made any appeal against the impugned order of penalty to the Appellate Authority before approaching this Tribunal. The learned counsel for the applicant now intends to prefer an appeal against the impugned order of penalty to the concerned Appellate Authority. The respondents shall now furnish a copy of each of the enquiry report and penalty order to the applicant to enable him to prefer an effective appeal against the penalty order to the Appellate Authority. Copies of these documents shall be supplied to the learned counsel for the applicant within 2 weeks from the date of receipt of a copy of this order.

4. The applicant is directed to prefer an appeal to the Appellate Authority within a month of the receipt of the documents referred to above. In case the appeal is made to the Appellate Authority within the aforesaid period, the same shall be entertained and decided by the Appellate Authority through a detailed order on merits meeting all the points raised therein within a period of 2 months from the date of receipt thereof.

5. The O.A. is decided according with no order as to costs.

(O.P.Sharma)
Member(A).

(Gopal Krishna)
Member(J).