

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. NO.837/1998

Indore, this the 13th day of August, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)

Surajpal S/O Sukhai,
Gateman, Fatehabad Gate No.225,
Western Railway, Fatehabad.

... Applicant

(By Shri D. M. Kulkarni, Advocate)

-versus-

1. Union of India through
General Manager, Western Railway,
Chirchgate, Mumbai.
2. Divisional Railway Manager through
Divisional Railway Engineer, IV,
Western Railway, Ratlam.
3. Assistant Engineer, Western Railway,
Mhow Cantt.

... Respondents

(By Shri Y. I. Mehta, Sr. Advocate with Shri H.Y.Mehta, Advocate)

ORDER ORAL

Hon'ble Shri shanker Raju, Member (J) :

In view of the Constitutional Bench decision of the Hon'ble Supreme Court in the case of ECIL v. B. Karunakar, JT 1993 (6) SC 1, as the enquiry report has not been served upon the applicant, we are of the considered view that the applicant who has superannuated has been greatly prejudiced. Respondents on being pointed out this infirmity have not been able to produce any document to show that the enquiry report

has been served upon the applicant. Accordingly, the enquiry is vitiated for violation of the principles of natural justice.

2. After hearing, the OA is allowed. The impugned orders are quashed and set aside. As the applicant has superannuated, we do not consider it appropriate to remand this case back to the respondents. He shall be entitled to consequential benefits which shall be disbursed to him within three months from the date of receipt of this order. No costs.



(R. K. Upadhyaya)
Member (A)



(Shanker Raju)
Member (J)

/as/

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिवेति जयदेव शिवाजी-

(1) सविता, जयदेव शिवाजी, जबलपुर


(2) राजेश, जयदेव शिवाजी, जबलपुर

(3) राजेश, जयदेव शिवाजी, जबलपुर

(4) राजेश, जयदेव शिवाजी, जबलपुर

सूचना एवं आवेदन कावेदाती हेतु

उप रेजिस्ट्रार


S. Raju
Y I nehta - Indore
28/8/03

Issued
on 29.8.03
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