

**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 Engincr, 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.

C. R. Upadhyaya

( R. K. Upadhyaya )  
Member (A)

S. Raju

( Shanker Raju )  
Member (J)

/as/

पूर्णांकन सं. ओ/व्या..... जबलपुर, दि.....  
प्रदिव्या दिनि अवृद्धि दिव्या.....

(1) रामेश्वर मुख्यमान विधायक, जबलपुर  
(2) रामेश्वर मुख्यमान विधायक, जबलपुर  
(3) रामेश्वर मुख्यमान विधायक, जबलपुर  
(4) विधायक, जबलपुर, जबलपुर  
सूचना एवं विधायक कार्यालयी केन्द्र

*on kulkarni and son  
Y I mchta and son*

*Shankar Raju*

ज्य रवियद्वारा 28/8/03

*Issued  
on 29/8/03  
by*