

S. P. Viswanathan (I)

Vs

Union of India and Others

Writ Petition No. 145 of 1989

(P. B. Sawant, K. N. Singh JJ)

06.03.1991

ORDER

1. By this petition under Article 32 of the Constitution the petitioner has claimed relief for issue of a writ of certiorari for quashing the order of termination dated December 6, 1989.
2. The petitioner was a railway employees posted as Commercial Clerk. Charges of misconduct were framed against him and inquiry was held but he did not appear at the inquiry. Pursuant to the inquiry report the disciplinary authority terminated his services. Hence this petition.
3. Learned counsel for the petitioner urged that since a copy of the inquiry report was not supplied to the petitioner the order of termination is vitiated. He placed reliance on the decision of this Court in Union of India v. Mohd. Ramzan Khan [(1991) 1 SCC 588 : 1991 SCC (L&S) 612 : (1991) 16 ATC 505]. It is true that this Court has held that if inquiry report is not supplied to the delinquent employee before passing the order of punishment, the order would be rendered illegal. But the decision of this Court is given a prospective effect it will not affect the orders passed prior to the date of rendering of the judgment (November 29, 1990) as would be clear from para 17 of the judgment.
4. As regards other questions raised in the petition we find no merit in the same. We, accordingly, dismiss the petition. There will be no order as to costs.

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