

Managing Director, Electronic Corporation of India

Vs

B. Karunakar

Special Leave Petition (Civil) No. 12103 of 1991

(K. Jagannatha Shetty, V. Ramaswami – II, Yogeshwar Deyal JJ)

05.08.1991

ORDER

1. In *Kailash Chander Asthana v. State of U. P.* ((1988) 3 SCC 600 : 1988 SCC (L&S) 869) it has been observed by a bench of three Judges that the question of furnishing a copy of the report of enquiry in disciplinary held after Forty-second Amendment does not arise. But in *Union of India v. Mohd. Ramzan Khan* ((1991) 1 SCC 588 : 1991 SCC (L&S) 612) another bench of three Judges had held to the contrary. In the later case it was observed (at p. 597, para 17) that "we have not been shown any decision of a coordinate or a larger bench of this Court taking this view ...". In view of this seeming conflict as to the entitlement of a copy of the enquiry report to the delinquent officer we consider that it is necessary to refer this matter to a larger bench.

2. The special leave is granted only on this question. The papers may be placed before the Chief Justice for constitution of a larger bench.

3. Since the matter is likely to take a long time for disposal of the matter, any stay order would prejudicially effect the interest of the respondent in whose favour there is an order of reinstatement with liberty reserved for continuing the inquiry. We, therefore, direct that respondent be reinstated in service within a month from today with the payment of one half of the back wages.

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