

Union of India and Others

Vs

A. K. Chatterjee

Civil Appeal No. 4523 of 1992

(P. B. Sawant, G. N. Ray JJ)

19.10.1992

ORDER

1. Delay condoned. Special leave granted.

2. The Tribunal allowed the application of respondent-employee only on the ground that the inquiry report was not furnished to him. For this purpose, the Tribunal relied upon the decision of this Court in Union of India v. Mohd. Ramzan Khan((1991) 1 SCC 588 : 1991 Sc (L&S) 612 : (1991) 16 ATC 505 : AIR 1991 SC 471). Unfortunately, the Tribunal has not noticed the operative part of the judgment in the above case where it is made clear that the law laid down there will apply prospectively. Admittedly, in the present case, the order of dismissal was passed prior to the said decision. Hence the impugned decision of the Tribunal is set aside and the matter is remanded to the Tribunal for decision on merits on other points.

3. The appeal is allowed accordingly. There will be no order as to costs.

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