

SUPREME COURT OF INDIA

R.R. Gabhane

Vs.

State of M.P.

(B J Reddy and K Paripoornan JJ.)

22.11.1996

ORDER

1. Special leave granted.
2. Heard the counsel for both the parties.
3. In this case the Enquiry Officer's report was in favour of the appellant delinquent officer. He had exonerated the appellant of the charges. The copy of this report was not communicated to the appellant. A show-cause notice was given proposing to dismiss him from service for those charges, without indicating in any manner that the Enquiry Officer had found the charges not proved. The Enquiry Officer's report was also not supplied to the appellant. The Enquiry Officer's report came to light only when it was filed along with the counter-affidavit in the writ petition. This was not a fair thing to do. We are not going into the question whether it was obligatory upon the disciplinary authority to communicate the reasons for his disagreement with the findings of the Enquiry Officer to the delinquent officer or not. In view of the above conduct which prima facie looks to us unfair, we think it appropriate to interfere in the matter. The judgment of the Division Bench of the High Court is set aside and the order of the learned Single Judge is restored only to the extent the said order remits the matter to the disciplinary authority to continue the proceedings from the stage of the second show-cause notice.
4. The disciplinary authority shall now communicate the reasons for his disagreement with the Enquiry Officer's findings to the delinquent officer, hear him and pass orders according to law. All this exercise shall be completed within six months from today.
5. For this period of six months, status quo as of today shall continue.
6. The appeal is allowed with the above direction. No costs.