

SUPREME COURT OF INDIA

S.N. Narula

Vs.

Union of India (UOI)

C.A.No.642 of 2004

(K. G. Balakrishnan and B. N. Srikrishna JJ.)

30.01.2004

ORDER

1. Leave granted.

2. The Appellant was initially appointed as Station Master in Northern Railways in 1955 and during the relevant time when he was Senior Commercial Manager, and a charge-sheet was issued to the Appellant and disciplinary proceedings were initiated against him and enquiry officer filed report holding that the charge No. 5 partly proved and the charge No. 7 proved. As regards other charges he was exonerated. After considering the report of the enquiry officer, disciplinary authority proposed a punishment suggesting a suitable cut in the pension and the Appellant was not heard on this proposal. Thereafter, the proceedings were sent for opinion of the Union Public Service Commission and the Union Public Service Commission gave an opinion to the effect that his pension shall be reduced to minimum and he shall not be granted any gratuity. The disciplinary authority accepted the proposal of the Union Public Service Commission and imposed the said punishment. It is to be noticed that the advisory opinion of the Union Public Service Commission was not communicated to the Appellant before he was heard by the disciplinary authority. The same was communicated to the Appellant along with final order passed in the matter by the disciplinary authority. The Appellant filed O.A. No. 1154/2002 before the Central Administrative Tribunal, New Delhi and Tribunal held that there was violation of principles of natural justice and the following direction was issued:

We are of the considered opinion that this order is a non-speaking one and as such we are of the view that the same cannot be sustained and is liable to be quashed. Accordingly, we quash the impugned order and remand the case back to the disciplinary authority to pass a detailed reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order in accordance with instructions and law on the subject.

3. This order was challenged by the Union of India by way of Writ Petition before the High Court of Delhi and by the impugned judgment the High Court interfered with that order. The

Writ Petition was partly allowed and it was directed that the matter be again considered by the Tribunal. Against that order the Appellant has come up in appeal by way of Special Leave Petition.

4. We heard the learned Counsel for the Appellant and the learned Counsel for the Respondent. It is submitted by the counsel for the Appellant that the report of the Union Public Service Commission was not communicated to the Appellant before the final order was passed. Therefore, the Appellant was unable to make an effective representation before the disciplinary authority as regards the punishment imposed. We find that the stand taken by the Central Administrative Tribunal was correct and the High Court was not justified in interfering with the order. Therefore, we set aside the judgment of the Division Bench of the High Court and direct that the disciplinary proceedings against the Appellant be finally disposed of in accordance with the direction given by the Tribunal in Paragraph 6 of the order. The Appellant may submit a representation within two weeks to the disciplinary authority and we make it clear that the matter shall be finally disposed of by the disciplinary authority within a period of 3 months thereafter.

5. The appeal is disposed of.