

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2570 of 2015

Sanjay Pandey, Son of Kanata Prasad @ Kamta Prasad, resident of village - Jagdishpur, P.O. Dinara, P.S. Dinara, District - Rohtas

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Micro Small and Medium Enterprises 7th Floor Niramn, Bhawan, New Delhi
2. The Chairman, O/o The Development Commissioner, M.S.M.E., 7th Floor Niramn, Bhawan, New Delhi - 110011
3. The Principal Director, Fragrance and Flavour Development Centre, Kannauj (U.P.)
4. The Director, Fragrance and Flavour Development Centre, Kanpur null null
5. The Assistant Director (Administration) Fragrance and Flavour Development Centre, Kannauj (U.P.)
6. The General Manager, D.I.G. Makrand Nagar Kannauj, the Enquiry officer
7. The Director (Chem) O/o D.C. (M.S.M.E.) 7th Floor Niramn, Bhawan, New Delhi
8. The Incharge, Technology Support Centre for Mint and other Essential Oils C/o Small Industries Service Institute Campus, Patliputra Industrial Estate, Patna (Bihar)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad
Mr. Anjum Parveen

For the Respondent/s : Mr. Arvind Kumar Tewary,CGC

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 05-05-2016

The challenge in the present writ petition is to an order dated 05.12.2014 passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A.No. 407 of 2012, whereby the order of removal from service of the petitioner, dated 27.12.2011, was set aside with the liberty to the respondents to take further appropriate

action on the basis of the enquiry report after giving him due opportunity to offer his comments/defence in regard to the same.

The grievance of the petitioner is that the order of removal was passed without supplying copy of the enquiry report and thus committing violation of principles of natural justice. The said grievance of the petitioner has since been redressed by the Tribunal, as the order of punishment has been set aside.

Further grievance of the petitioner is that the punishing authority has passed the order of punishment dated 27.11.2012 on the basis of an enquiry against the petitioner conducted by the same officer. The petitioner has filed a complaint against him. Therefore, the entire proceedings stand vitiated. It is admitted that such officer has now retired after attaining the age of superannuation in 2012.

In view of the said fact, we do not find that the petitioner is likely to suffer any prejudice on account of the order passed by the Tribunal since the order of punishment without following due procedure of law has been set aside but the enquiry has to be concluded in accordance with law. The proceedings cannot be wished away. Therefore, now the punishing authority will start from the stage of service of copy of the enquiry report and take action in accordance with law thereafter.

We do not find any error in the order passed by the

Tribunal warranting any interference by this Court in the present writ petition.

The writ petition is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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