

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.20545 of 2013
Date of decision-26.02.2016**

Union of India and others

..Petitioners

Vs.

Central Administrative Tribunal and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:- Mr. P.C Goyal, Advocate
for the petitioners.

Mr. Saurabh Arora, Advocate
for the respondents.

M.JEYAPPAUL, J. (Oral)

This is a classic case where the second respondent- Rohtash Singh, was imposed with penalty of withholding of all increments for a period of three years without cumulative effect without even furnishing a copy of the first inquiry report which completely exonerated the second respondent from the charges. The fact remains that the second inquiry report also completely exonerated the second respondent from the charges but the disciplinary Authority in the guise of recording a dissenting note chose to impose the penalty on the second respondent.

Neither the first inquiry report which exonerated the second respondent from the charges nor the dissenting note which paved the way for second inquiry was furnished to the second respondent, to make him aware on what ground he was subjected to the ordeal of second inquiry.

Finding that the above lapses had in fact affected the valuable right

of the second respondent to challenge the course adopted by the disciplinary Authority in ordering second inquiry, the Tribunal has rightly quashed the impugned orders passed by the disciplinary Authority

Learned counsel appearing for the writ petitioner submits that the disciplinary Authority has the privilege to make a departure from the decision taken by the Inquiry Officer and award punishment proportionate to the lapses committed by the employee.

In our considered view, the principles of natural justice were not adhered to by the disciplinary Authority while passing the impugned orders. Much prejudice had been caused to the second respondent. The Tribunal has rightly determined the issues involved and quashed the impugned orders directing fresh inquiry, if at all it is warranted, that too after taking a conscious decision considering the nature of misconduct, the lapse of time from the date when the charge-sheet was formulated first in point of time and exoneration of the charges in both the inquiries. We do not propose to interfere with the well-considered order passed by the Tribunal.

We do not find any merit in the writ petition. Accordingly, the writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

(RAJ MOHAN SINGH)
JUDGE

February 26, 2016
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