

DI     September  
26.     6, 2021

Through Video Conference

W.P.C.T. 3 of 2021

Union of India & ors.

Vs.

Sri Vijoy Kumar Gupta

Mr. Aparna Banerjee,  
...for the petitioners.

Mr. S. S. Mondal,  
...for the respondent.

It appears from the order impugned in this writ petition that the Central Administrative Tribunal appears to have been swayed by the submission made on behalf of the applicant that there has been a procedural lapse on the part of the disciplinary authority and that no enquiry report was supplied to the applicant before imposition of punishment. It was further argued before the tribunal that there has been no failure on the part of the applicant in the operating system at the station.

The supplementary affidavit filed on behalf of the writ petitioners/Union of India unmistakably shows that the enquiry report was supplied to the applicant.

The learned advocate appearing on behalf of the applicant/respondent submits that the order was not based solely on the submission that there has been a procedural lapse but was passed considering the fact that it was difficult to ascertain as to whether the applicant actually failed to control the train in time.

Unfortunately, we are unable to accept the argument advanced on behalf of the respondent as from a plain reading of the

order of the tribunal, it appears that the tribunal had not gone into the other aspects of the matter at all and decided the matter being influenced by the submission made on behalf of the applicant that there has been a substantial and procedural lapse on the part of the disciplinary authority in not supplying the required enquiry report.

On such consideration, we set aside the order passed by the tribunal and remand the matter to the tribunal for reconsideration afresh on merits.

The writ petition is, thus, disposed of without, however, any order as to costs.

Photostat certified copy of this order, if applied for, will be made available to the applicant within a week from the date of putting in the requisites.

**( Soumen Sen, J. )**

dns

**( Hiranmay Bhattacharyya, J. )**