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**(1992) 11 SC CK 0069**

**In the Supreme Court Of India**

**Case No : Civil Appeals Nos. 5141-42 Of 1992**

Divisional Commercial Superintendent and Others

APPELLANT

Vs

K. Nagarajan

RESPONDENT

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**Date of Decision : 30-11-1992**

**Acts Referred:**

**Citation : (1995) 4 SCC 415 Supp**

**Hon'ble Judges : S. P. Bharucha, J;J. S. Verma, J**

**Bench : Division Bench**

**Final Decision : Allowed**

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## **Judgement**

1. Delay condoned.

2. Leave granted.

3. The respondent, K. Nagarajan was removed from service by an order dated 17/6/1985 and his departmental appeal against that order was dismissed on 25/7/1985. The respondent filed an application challenging the order removing him from service which came to be allowed by the tribunal by its order dated 8/3/1991. A Review Application by the appellant was dismissed by order dated 24/12/1991. The tribunal has allowed the respondent's application and quashed the order of removal from service on the only ground that a copy of the Inquiry Officer's report was not given to the respondent, following the decision in Union of India v. Mohd. Ramzan Khan. The tribunal has also stated that in view of the order of removal being quashed on this ground alone, the other points raised by the respondent to challenge his removal from service were not considered on merits.

4. It is clear from the decision in Mohd. Ramzan case itself that the judgment rendered therein has prospective operation and cannot, therefore, affect the validity of a punishment imposed earlier, as in the present case, where the order of removal as well as the order dismissing the departmental appeal were made much earlier in 1985. This is also the view taken in S.P. Viswanathan v. Union of

India. The impugned order made by the tribunal has, therefore, to be set aside.

5. The appeals are allowed. The impugned orders dated 8/3/1991 and 24/12/1991 passed by the tribunal are set aside, in view of the fact that certain other points were also raised by the respondent to challenge his removal from service which have not been decided on merits by the tribunal. The matter shall now go back to the tribunal for deciding the matter afresh on the remaining points on merits after hearing both sides.

6. The parties shall appear before the Hyderabad bench of the Central Administrative Tribunal on January 11, 1993 to take further directions in this behalf.

7. No costs.