

(1991) 08 SC CK 0023

In the Supreme Court Of India

Case No : Special Leave Petition (Civil) No. 12103 of 1991

Managing Director, Electronic Corporation of India

APPELLANT

Vs

B. Karunakar

RESPONDENT

Date of Decision : 05-08-1991

Acts Referred:

Citation : (1992) 65 FLR 185 : (1992) 3 JT 605 : (1993) 3 SCALE 952 : (1992) 1 SCC 709

Hon'ble Judges : Yogeshwar Dayal, J;V. Ramaswami, J;K. Jagannatha Shetty, J

Bench : Full Bench

Final Decision : Allowed

Judgement

K. Jagannatha Shetty, J.—In Kailash Chander Asthana Vs. State of U.P. and Others, it has been observed by a bench of three Judges that the question of furnishing a copy of the report of enquiry in disciplinary proceedings held after Forty- second Amendment does not arise. But in Union of India and others Vs. Mohd. Ramzan Khan, another bench of three Judges had held to the contrary. In the later case it was observed that "we have not been shown any decision of a coordinate or a larger bench of this Court taking this view...". In view of this seeming conflict as to the entitlement of a copy of the enquiry report to the delinquent officer we consider that it is necessary to refer this matter to a larger bench.

2. The special leave is granted only on this question. The papers may be placed before the Chief Justice for Constitution of a larger bench.

3. Since the matter is likely to take a long time for disposal of the matter, any stay order would prejudicially effect the interest of the respondent in whose favour there is an order of reinstatement with liberty reserved for continuing the inquiry. We, therefore, direct that respondent be reinstated in service within a month from today with the payment of one half of the back wages.