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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.3477/2001

This the 29th day of August, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman

Hon'ble Mr. V.K. Majotra, Member (A)

Shri Inder Mohan Sharma
Junior Inspector of Ticket
Northern Railway,
Delhi.

-Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India

Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Senior Divisional Commercial Manager,
Northern Railway,
DRM Office,
State Entry Road,
New Delhi.

-Respondents

(By Advocate: Shri Rajinder Khatter)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Applicant has assailed order dated 21.8.2001 and order dated 8.11.2001, Annexure A-1 and Annexure A-2 passed by respondents No. 2 & 3 respectively imposing on the applicant a penalty of reduction in his pay with immediate effect from Rs.6725/- to Rs.5500/- in grade Rs.5500-9000 with cumulative effect till retirement.

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2. Learned counsel of the applicant Shri B.S. Mainee, among other grounds, pointed out that the order of the disciplinary authority is a non-speaking and non-reasoned order which is violative of the principles of natural justice and as such the applicant has been handicapped in making an effective appeal thereagainst. He further stated that applicant's appeal was also rejected by the appellate authority without application of mind to the submissions made by the applicant in his reply to the show cause notice and in the appeal. The learned counsel relied on S.N. Mukherjee Vs. Union of India 1991 (1) SLJ 1. (SC) (5 JJ).

3. The learned counsel of the respondents Shri Rajinder Khatter could not satisfactorily rebut the ^{plea about} ~~the~~ non-speaking and non-reasoned nature of the order of the disciplinary authority. The bare perusal of Annexure A-1 establishes that the order of the disciplinary authority is a non-speaking and non-reasoned order. In our view, such an order certainly is against the principles of natural justice and does not provide an opportunity for making an effective appeal. It has been held in the case of S.N. Mukherjee (supra) that except in cases where the requirement has been dispensed with expressly or impliedly and recording of reasons is necessary, an administrative authority, exercising judicial or quasi judicial functions, is required to record its reasons for its decisions. This ratio is certainly applicable to the facts of this case. Even without discussing the other grounds explored on behalf of the applicant as also the nature of the appellate order, for the reasons stated above Annexures A-1 & A-2 are liable to be quashed and set aside. Accordingly, this petition is allowed. The impugned orders, i.e., Annexures A-1 & A-2

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are quashed. It is directed 'the disciplinary authority may pass a fresh reasoned order in accordance with law'.

V. K. Majotra

(V.K. Majotra)
Member (A)

V. S. Aggarwal

(V.S. Aggarwal)
Chairman

cc.