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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O. A. NO. 1003/2001

New Delhi this the 27th day of November, 2002.

**HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN**

**HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)**

Shri M.L.Kararwal  
S/o Shri Mani Ram Kararwal  
R/o G-6, Police Quarters  
New Police Lines  
Kingsway Camp  
Delhi-110009.

....Applicant

( Shri Kailash Vasudev, Sr. Counsel with  
Shri Rajinder Nischal, Advocate)

-versus-

- (1) Union of India  
Through its Secretary  
Ministry of Home Affairs  
North Block, New Delhi-110001.
- (2) The Joint Secretary  
Ministry of Home Affairs  
North Block, New Delhi-110001.
- (3) Government of National Capital Territory  
of Delhi through its Chief Secretary  
Players Bhawan, I.P.Estate  
New Delhi-110002. .... Respondents

( By Shri N.S.Mehta, Advocate)

O R D E R (ORAL)

Justice V.S.Aggarwal:-

The applicant (M.L.Kararwal), by virtue of the present application seeks quashing of the order of 2.12.1993 and penalty order of 4.7.2000 besides that of the appellate authority's order dated 17.4.2001.

2. For purposes of the present application, suffice to say that departmental proceedings were

*M Ag*

instituted against the applicant who is a Grade-II officer of the Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Police Service. One of the assertions against the applicant is that he being a Government servant while working in the capacity of Assistant Commissioner of Police during the year 1987, married one Smt. Rewa D/o Shri Shadi Lal Talwar resident of C-204, Pujari Apartments, Shiv Vihar, New Delhi during the life time of his wife Smt. Saroj Kararwal and thus contravened the provisions of Rule 21 of the Central Civil Services (Conduct) Rules, 1964.

3. During the course of submissions, the contention raised was that there was no evidence before the disciplinary authority so as to conclude that the said charge had been proved. On behalf of the respondents, on the contrary, it was contended that there was evidence on the record to establish the said fact.

4. Our attention was drawn towards the note of disagreement recorded by the disciplinary authority against that of the inquiry officer.

"Since Shri M.L.Kararwal had himself accepted that some ceremony was held at a Farm House in which he participated, it is, therefore, inconsequential to establish the exact time, date and place of ceremony. However, in view of the circumstantial

*Ms Ag*

evidence (the suspicious manner under which the said ceremony was performed), there is no doubt that it was a marriage ceremony performed by Shri M.L.Kararwal and Smt.Rewa."

5. Said note of disagreement does not indicate any evidence that is said to be on the record to establish that in fact the material on the record showed that the applicant had solemnised another marriage. That being so, it would be appropriate that if the disciplinary authority intends to differ from the inquiry officer, a speaking order should be passed and conveyed to the delinquent so that the delinquent applicant can put in a proper representation. The order of disagreement must be a speaking order and in the present case it is not so.

6. Without expressing any opinion on the merits of the matter, we quash the impugned orders and direct that the disciplinary authority may go into the report of the inquiry officer and thereafter record an appropriate note of disagreement which can be conveyed to the applicant if deemed proper. Thereafter, fresh proceedings can be started from that stage onwards.

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7. Present original application is allowed in  
the aforesaid terms without any order as to costs.

Announced.

V.K.Majotra  
(V.K. Majotra)  
Member (A)

V.S. Aggarwal  
(V.S. Aggarwal)  
Chairman

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/sns/