

Central Administrative Tribunal, Principal Bench

Contempt Petition No.541 of 2001 in
Original Application No.764, of 2001

New Delhi, this the 12th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Datta Ram
5352, Shora Kothi,
Paharganj, New Delhi

- Petitioner

(By Advocate: Shri S.P. Mehta)

Versus


1. Shri C.S. Saroy
F.A. & Chief Accounts Officer
Northern Railway,
Baroda House, New Delhi

- Respondent

O R D E R (ORAL)

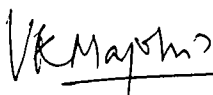
By Justice Ashok Agarwal, Chairman

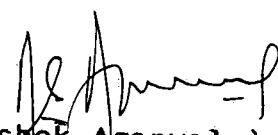
Applicant had earlier instituted OA No.764/2001 seeking to impugn a penalty of recovery of a sum of Rs.61,143.50 paisa passed in disciplinary proceedings conducted against him. Aforesaid order passed by the disciplinary authority on 18.10.96 was impugned by the applicant by preferring an appeal to FA&CAO being the appellate authority vide his memo of appeal of 14.12.96. Since no decision had been taken on the said appeal, applicant had instituted aforesaid OA No.764/2001. The same was disposed of by an order passed on 26.3.2001 with a direction to FA&CAO, respondent no.2 to dispose of the aforesaid appeal by passing a reasoned order and communicate the same to the applicant expeditiously and in any event within a period of three months from the date of service of the order (emphasis provided). Respondent no.2 has thereafter proceeded to pass an order of 29.6.2001 (Annexure C-2) whereby the amount payable has been reduced from Rs.61,143.50 paisa to Rs.54,713.50 paisa and the



interest payable has been reduced from 18% to 12% per annum. Aforesaid order, it is ^{the} ~~a~~ grievance of the applicant, is a totally non-speaking order. Applicant, it is pointed out, has raised several issues in his memo of appeal and not a one out of them have been ~~duly~~ dealt with in the order of 29.6.2001. Applicant, in the circumstances, has instituted the present contempt petition.

2. We do not find that this is a fit case to take action for contempt. However, while so holding, we quash and set aside the aforesaid order of 29.6.2001 on the ground that the same is a non-reasoned and non-speaking order which has been so issued in the teeth of our directions contained in the order of 26.3.2001. Present contempt petition, in the circumstances, is disposed of with a direction to FA&CAO, Baroda House, New Delhi to pass afresh a well reasoned and speaking order by dealing with all the issues raised by the applicant in his appeal. This be done within a period of eight weeks from the date of service of a copy of this order. Present contempt petition is disposed of in the aforestated terms.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

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