

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1350/1999

Monday, this the 29th day of October, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Shri Mangla Singh
working as Head Warder
Central Jail, Tihar
New Delhi-64.

...Applicant

(By Advocate: Shri S. C. Luthra)

Versus

1. Govt. of NCT of Delhi
through: Principal Secretary (Home)
5, Sham Nath Marg,
Delhi-54.

2. Inspector General of Prisons
Central Jail, Tihar
New Delhi-64.

...Respondents

(By Advocate: Shri H.P.Chakravorthy for
Shri Rajinder Pandita)

O R D E R (ORAL)

Hon'ble Shri Ashok Agarwal:

By an order passed on 10.2.1998 by the disciplinary authority, a penalty of stoppage of four increments for 4 years without cumulative effect has been imposed upon the applicant. A copy of the order dated 10.2.1998 issued by the disciplinary authority has been annexed as Annexure A-1. Aforesaid order was carried by the applicant in appeal and the appellate authority by order passed on 8.5.2000 has dismissed the appeal. Aforesaid order has been annexed at Annexure A-1A. Aforesaid order of the appellate authority is a totally non-speaking order. The same merely informs the applicant that his appeal has been considered by the competent authority and the same has been rejected. No

N. J.

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reasons whatever has been assigned while disposing of the appeal.

2. In the case of Mahesh Prasad Chaudhary Vs. Union of India decided by the Jabalpur Bench of the Tribunal and reported as ATR 1986 (2) CAT 262, it has been, inter alia, observed as under:-

"It is necessary that the order of the appellate authority should have been a speaking order as required by Rule 27 of the Central Civil Services (CC & A) Rules; 1965. Where, therefore, the order passed by the appellate authority in appeal against the order of the disciplinary authority is a non-speaking one then it is liable to be set aside, and is thus quashed. The respondent is directed to hear the appeal of the applicant afresh on merits and a speaking and a reasoned order should be passed according to law after notice to applicant and giving him an opportunity of hearing within a period of two months of communication of this order."

3. If one has regard to the aforesaid observations contained in the aforesaid decision of the Tribunal, a decision is inescapable that the present order passed by the appellate authority is liable to be quashed. We order accordingly. The matter is now remitted back to the appellate authority to pass a speaking and a reasoned order after giving the applicant an opportunity of hearing. This be done within a period of three months from the date of service of a copy of this order.

4. Present OA is allowed in the aforesaid terms without any order as to costs.


(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman