

Central Administrative Tribunal  
Principal Bench

O.A. No. 2080 of 1999

New Delhi, dated this 8 JANUARY, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALI, MEMBER (J)

Shri Tejvir Singh,  
S/o late Shri Bhim Sen,  
R/o 13/205, Trilok Puri,  
Delhi-110091.

.. Applicant

(By Advocate: Mrs. Meera Chhibber)

Versus

1. Union of India through  
the Secretary,  
Ministry of Health & F.W.,  
Nirman Bhawan, New Delhi.
2. Director General of Health Services,  
Nirman Bhawan,  
New Delhi.
3. Dr. C.P. Singh,  
Medical Superintendent,  
Dr. Ram Manohar Lohia Hospital,  
New Delhi.
4. Dr. Raj Bala Yadav,  
Inquiry Officer,  
Dr. R.M.L. Hospital,  
New Delhi.

.. Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns the disciplinary authority's order dated 1.2.99 (Annexure P-1) and the appellate authority's order dated 9.6.99 (Annexure P-11). He prays for reinstatement with consequential benefits.

2. Applicant and five others were jointly chargesheeted on 25.7.97 (Annexure P-VI) for having unauthorisedly entered into the chamber of the Addl.

(11)

Medical Superintendent, Dr. R.M.L. Hospital, New Delhi who was the Chairman of the Selection Committee where members of the Selection Committee had assembled on 29.4.97 to hold interview for the post of Mechanic and misbehaved with the members of the Committee in a manner calculated to intimidate them and prevent them from discharging their lawful duties. The Charge Memo contained four Articles of Charge.

3. Meanwhile applicant and one other were placed under suspension.

4. The Inquiry Officer in her report dated 16.10.98 found each of the four charges proved against the six employees who had been proceeded against.

5. A copy of the I.O's report was furnished to applicant for representation, if any. Applicant submitted his representation dated 24.12.98 (Annexure P-III) on receipt of which the disciplinary authority after agreeing with the I.O's findings ordered applicant's removal from service vide impugned order dated 1.2.99 which was upheld in appeal vide impugned order dated 9.6.99.

6: We have heard both sides.

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7. We note that both the disciplinary authority's order as well as the appellate authority's order give no reasons on the basis of which they have come to their conclusions. It is well settled that the disciplinary authority as well as the appellate authority are quasi-judicial authorities, and disciplinary proceedings are quasi-judicial proceedings in which the judicial orders passed by them are required to be reasoned orders which display due application of mind. In the present case the disciplinary authority's order does not contain the reasons why he has concluded that the ends of justice would be met if the penalty of removal from service is awarded to applicant. Similarly the appellate authority's order lists the various grounds taken by applicant in his appeal, but none of those grounds have been discussed, even briefly.

8. Such orders cannot be sustained in law. The disciplinary authority's impugned order dated 1.2.99 and the impugned appellate order dated 9.6.99 in so far as both orders relate to applicant are, therefore, quashed and set aside. Applying the Hon'ble Supreme Court's ruling in State of Punjab and Others Vs. H.S. Greasy JT 1996 (5) SC 403 the

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matter is remanded back to the disciplinary authority for passing appropriate orders in accordance with law. Meanwhile applicant shall be treated as on suspension from the date of this order, till final orders are passed by the disciplinary authority/appellate authority.

D. During arguments applicant's counsel has also raised the point that while six employees were proceeded against jointly and the I.O's report does not indicate the greater culpability of applicant in comparison with the other five employees, he has been removed from service, while in the case of others the penalty has been only reduction in rank or stoppage of increments. It has been argued that this variation in the quantum of punishment, in the absence of any materials to justify the same, is itself illegal, arbitrary and violative of Articles 14 and 16 of the Constitution.

10. While complying with these directions contained in Para 8 above, respondents shall not lose sight of these contentions.

11. The O.A. succeeds and is allowed to the extent contained in Para 8, 9 and 10 above. No costs.

A. Vedavalli  
(Dr. A. Vedavalli)

Member (J)

'gk'

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)