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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.440/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 4th day of December, 2000

Ex. Constable Riyaz Hussain
No.1837/N

s/o Shri Fayyauddin
r/o Villagbe - Angad Ppur

P.O. - Johri

P.S. - Binoli, District, Meerut

Uttar Pradesh.

.. Applicant

(By Shri Shankar Raju, Advocate)

Vs.

1. Union of India through
its Secretary
Ministry of Home Affairs
North Block
New Delhi.

2. Commissioner of Police
Police Head Quarters
I.P.Estate, MSO Building
New Delhi.

3. Addl. Commissioner of Police
Northern Range
Police Headquarters
I.P.Estate
MSO Building
New Delhi.

4. Addl. Dy. Commissioner of Police
North District
Civil Lines
Delhi.

... Respondents

(By Shri R.K.Singh, proxy of Shri Anil Kr. Chopra,
Advocate)

O R D E R (Oral)

Justice V. Rajagopala Reddy:

Heard the counsel for the applicant and the
respondents. This matter can be disposed of on a
short point.

2. The applicant, who was working as
Constable, was removed from service by the order dated
24.9.1997 on the allegations of unauthorised absence

CA

Date

Office Report

Orders

4.12.2000

R3.

Present: Shri Shankar Raju, Chairman
for Appointments

Shri R. K. Singh, Member
Council for Shri Anil Kumar
Chopra, Committee Member

Heard argument, Orders

Parted separately in open
Court by the Bench comprising
of Hon'ble Vice Chairman (2) and
Hon'ble Ld. Commissioners (2)
Member (2).

B.O.
Cm.
C.O. (R)

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as well as non intimation of his involvement in a criminal case to his superior officers. The above order of penalty is under challenge in this OA.

3. Though the learned counsel for the applicant, Shri Shankar Raju, advanced several arguments on merits of the case, the learned counsel lays stress on the contention that the order of the appellate authority being devoid of any reasons for its conclusions, is liable to be set aside.

4. Having heard the counsel on either side. We find sufficient force in this contention. The applicant raised as many as seven grounds of appeal and the appellate authority having faithfully narrated all the seven grounds, however, thought it fit to dispose of the appeal without considering not a single of the pleas, which is evident from his order:

"I have gone through the brief facts of the case, statements of P.Ws./D.Ws., the findings of E.O., the appeal preferred by the appellant, the punishment order, the comments of the disciplinary authority on the appeal and other relevant documents/papers available on record. The appellant was also heard in person on 22.1.98. Considering all aspects of the case, I do not find any convincing plea on the part. After going through all the facts and circumstances and hearing him in person, I do not find any ground in interfering with his orders of dismissal. Hence, the appeal is hereby rejected."

5. No reasons were also assigned for coming to his conclusion that the disciplinary authority's order did not warrant interference. It should be noted that the only authority who can consider the facts of the case is appellate authority. The appellate authority should also go into the proportionality of the punishment.

CM

6. The order of the appellate authority is accordingly quashed. The other contentions raised were not considered.

7. The OA partly succeeds and the case is remanded back to the appellate authority to dispose of the appeal by giving proper reasons in the light of the above observations made in our judgement, with in a period of three months from the date of receipt of a copy of this order. The OA is accordingly disposed of, in the circumstances, with costs of Rs.1000/- to be recovered from the officer who passed the impugned order.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/