

68

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

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Date	Office Report	Orders
		<p>4-12-2002 R.B.</p> <p>Present: Shri Shantanu Raj, Comman for Apparatus</p> <p>Shri R.D. Singh, Deputy Comman for Shri Anil Kumar Chopra, Commlntor DGP Heard argument. Orders passed separately in open Court by the bench comprising of Hon'ble Vice Chairman (Dr. A. Hon'ble Shri Commlntor S. Tawar) Member (A).</p> <p>B.O. L.M. A.C. (R)</p>

-2-

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.

(P)

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, within 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/