

(14)

Central Administrative Tribunal  
Principal Bench

O.A. No. 2131 of 1998

New Delhi, dated this the 14<sup>th</sup> December, 2000

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

Chuttan Latoor Ram @ Chuttan Lal,  
Ex-Gangman under CPWI,  
Central Railway,  
Faridabad  
R/o H. No. 391/3, Shankar Marg,  
Mandavali, Delhi.

... Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. The General Manager,  
Central Railway,  
Headquarters Office,  
Mumbai C.S.T.
2. Divl. Railway Manager,  
Central Railway,  
Jhansi, U.P.

.. Respondents

(By Advocate: Shri R.K. Shukla proxy  
counsel for Mrs. B. Sunita Rao)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns the disciplinary authority's order dated 13.2.97 (Annexure A-1) and the appellate authority's order dated 15.10.97 (Annexure A-3).

2. Applicant was proceeded against departmentally vide charge memo dated 28.6.96 on the allegation of being unauthorisedly absent from duty for a period of 221 days between 25.5.95 and 3.5.96.

3. Applicant contends that he proceeded on 4 days sanctioned leave to visit his father who was

ailing from cancer, and because of his father's suffering, he himself fell ill, and could not rejoin duty on expiry of his leave. He contends that he had been under the treatment of doctors, who had diagnosed him to be suffering from depression and other psychiatric ailments and had been all along informing the authorities concerned for medical leave.

4. Respondents deny that applicant had ever been sanctioned 4 days leave, and also deny receiving information about the illness of himself or his father.

5. Respondents contend that applicant received the charge memo and he was informed about the dates of the departmental enquiry, but as he did not participate in the same, it had to be concluded ex-parte. It is stated that on 3.1.97 the Enquiry Officer gave his findings and the findings of the E.O., as well as show cause as to why applicant should not be removed from service, was pasted on the notice board in the presence of two witnesses, and the same was also sent to applicant. It is averred that efforts were also made to locate applicant's whereabouts and finally on 3.2.97 the disciplinary authority imposed the penalty of removal from service, which was approved in appeal on 15.10.97.

6. We have heard both sides.

7. It is well settled in a catena of judgments that disciplinary proceedings being quasi judicial in character, the orders of the disciplinary authority and the appellate authority should be reasoned orders to show the process by which the authorities have come to their conclusion.

8. In the present case the appellate authority in his order dated 15.10.97 with reference to applicant's appeal dated 29.8.97 (Annexure A-2) has mainly stated that the contentions of the employee are not tenable and the employee (i.e. applicant) had not produced any evidence for the same. Nothing contained in that order dated 15.10.97 leads us to conclude that applicant was given any opportunity to produce any evidence in support of his contentions.

9. In the result without interfering with the disciplinary authority's order dated 13.2.97 at this stage, the appellate authority's order dated 15.10.97 is quashed and set aside. The matter is remanded back to the appellate authority to give applicant a reasonable opportunity of being heard in person, during which applicant may furnish such material as he possesses to establish his contentions, and thereafter to pass a detailed, speaking and reasoned order on applicant's appeal

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dated 29.8.97 in accordance with rules and instructions, under intimation to him as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order.

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

A. Vedavalli  
(Dr. A. Vedavalli)  
Member (J)

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

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