

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.94/95

New Delhi, this the 7th day of September, 1999

HON^{BLE} MRS. LAKSHMI SWAMINATHAN, MEMBER (Judl)
HON^{BLE} MR. N. SAHU, MEMBER (Admnv)

Naresh Kumar S/o Shri Jit Ram
Constable (Driver) No. 245/LP & L
Delhi

R/o H.No. 181, P.O. Ghoglu,
Delhi-39

....Applicant

(By Advocate: Shri G.S. Vasisht)

Versus

1. Lt. Governor,
Raj Niwas, Delhi.

2. Additional Commissioner of Police, Security
Rashtrapati Bhawan,
New Delhi.

3. Deputy Commissioner of Police, P&L
Old Police Line, Rajpur Road,
Delhi

....Respondents

(By Advocates: Sh. Amresh Mathur & Sh. S.K. Gupta)

O R D E R (ORAL)

By Hon^{ble} Mr. N. Sahu, Member (Admnv)

This O.A. is directed against the order dated 15.11.93 passed by the Additional Commissioner of Police disposing of the appeal filed by the applicant against the punishment of forfeiture of one year's approved service permanently for a period of one year by an order dated 20.5.93. The appellate authority rejected the appeal. The brief facts leading to the impugned order are as under.

2. The applicant submitted an application on 17.8.92 for obtaining permission to avail four days medical rest under medical advice. He was informed that the necessary permission would be given only by the

Naresh Kumar

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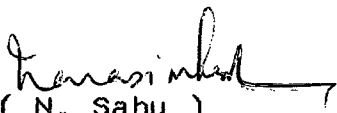
Inspector(Operations) who was busy at that time in the parade ground. The applicant then rushed out of his car in an angry mood of assault with two bricks in his hands, used abusive language against Shri Gurmeet Singh, S.I. who was on duty. For this, he was placed under suspension by an order dated 17.8.92 and a regular disciplinary enquiry was ordered against him. The enquiry officer held that the charge against the applicant stood proved. A copy of the report was handed-over to the applicant who filed a representation thereon. The disciplinary authority after going through the representation, reduced the pay of the applicant by one stage from Rs.990/- to 970/- for a period of one year by the impugned order. The appellate authority in a very brief order had simply held that the applicant committed a grave misconduct. He did not deal with any of the 10 grounds of appeal raised by the applicant. Some of the important grounds raised by the applicant cut deep into the procedural irregularity alleged by the applicant's counsel. One such ground was that the enquiry officer did not examine the defence witnesses of the applicant even after repeated requests. The other ground was that the relevant document asked for by the applicant was not supplied.


3. We required the respondents' counsel to produce before us the records of disciplinary enquiry. He submitted that the same were misplaced and could not be located. As the appellate order is brief and non-speaking and has not dealt with any of the important submissions made by the applicant, it would be appropriate for us to set aside the said order, restore the proceedings to the file of the appellate authority and require him to dispose

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of the appeal in accordance with law after giving proper opportunity to the applicant. We order accordingly and direct the appellate authority to pass a speaking and reasoned order dealing with each and every point raised by the applicant, within a period of four months from the date of receipt of a copy of this order. The appellate authority should ensure that findings are supported by relevant material/documents on record.

4. The O.A. is disposed of as above. No order as to costs.


(N. Sahu)
Member (Admnv)


(Mrs. Lakshmi Swaminathan)
Member (Judl)

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