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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1364/97

New Delhi: this the 23<sup>rd</sup> day of October, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Magdum,  
S/o Shri Wazir,  
working as Mate under the Chief Permanent  
Way Inspector, Construction Div.,  
Northern Railway,  
State Entry Road,  
New Delhi.

R/O M-773, B-37, Gandhi Colony,  
Railway Board, Old Faridabad,  
Near Station,,  
District: Faridabad (Haryana) ..... Applicant  
(By Advocate: Shri A. K. Bhardwaj)

Versus

Union of India  
through

1. General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Dy. Chief Engineer,  
Construction,  
Northern Railway,  
State Entry Road,  
New Delhi.

3. The Chief Engineer (Construction) P & D,  
Northern Railway,  
Head Quarter Office, Kashmere Gate,  
Delhi-6

4. The Chief Permanent Way Inspector,  
Construction Division,  
Northern Railway,  
Ajmere Gate,  
New Delhi.

..... Respondents.

(By Advocate: Shri B. S. Jain)

ORDER

Mr. S. R. Adige, VC (A)

Applicant impugns the Disciplinary Authority's

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order dated 18.11.96 (Annexure-A2) and the appellate authority's order dated 18.1.97 (Annexure-A-1).

Applicant prays for restoration of his pay to Rs.1150/- w.e.f. 6.11.96 with all consequential benefits.

2. Heard both sides.

3. Various grounds have been taken in the OA and certain rulings have also been referred to by Shri Bhardwaj but without considering it necessary to discuss the same at this stage, the fact that applicant's detailed appeal petition dated 2.12.96 (Annexure-A3) has been disposed of by the following bald and cryptic orders of the appellate authority as extracted in letter dated 18.1.97

"Having carefully gone through the appeal of the employee and the punishment imposed, I do not find any merit to either reduce or set aside the punishment imposed. The appeal is therefore rejected."

is itself sufficient to warrant judicial interference in the OA.

4. It is well settled that orders passed in disciplinary proceedings are quasi judicial orders, and should be reasoned orders which display proper application of mind.

5. The appellate authority's order extracted above, does not discuss any of the grounds taken by applicant in his appeal, and gives no reasons why he has found it fit to reject the same. Such an order cannot be sustained in law.

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Under the circumstance, without interferring with the disciplinary authority's impugned order dated 18.11.96 in any way at this stage, the OA is allowed to this extent that the appellate authority's impugned order dated 18.11.97 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, and thereafter to dispose of applicant's appeal petition in accordance with rules and instructions by a detailed, speaking and reasoned order under intimation to applicant as expeditiously as possible <sup>and preferably</sup> within 3 months from the date of receipt of a copy of this order. No costs.

*A. V. S. S. S.*  
( DR. A. VEDAVALLI )  
MEMBER (J)

*S. R. Adige*  
(S. R. ADIGE )  
VICE CHAIRMAN (A)

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