

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1832/97

New Delhi, this the 7th day of August, 2000

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

C.T. Abraham
s/o Late Sh. C.G.Thomas
r/o 80/10A, Malviya Nagar
New Delhi - 110 017

.....Applicant

(By Legal Practitioner Dr. M.P.Raju)

VERSUS

1. Indian Council of Agricultural Research
through the President
Krishi Bhawan, New Delhi.
2. Director
Indian council of Agricultural Research Krishi
Bhawan, New Delhi.
3. Director
Indian Council of Agricultural Research
Central Arid Zone Research Institute
Jodhpur, Rajasthan

.....Respondents

ORDER (ORAL)

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

Heard the counsel for the applicant. None appears for the respondents even on the second call. The order under challenge in this OA is the order of dismissal of the applicant dated 02-08-1996. The applicant was charge-sheeted for unauthorised absence and an enquiry under Rule 14 of the CCS (CCA) Rules, has been initiated. After an enquiry the Enquiry Officer submitted a report dated 10-04-96 holding that the charges are partially approved. The disciplinary authority, however, passed the impugned order dismissing the applicant from service. Learned counsel contends that the Disciplinary Authority had come to the conclusion that the applicant was guilty of the charges, without giving reasons for his

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conclusion.

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2. We find that the Disciplinary Authority has not considered the findings of the Enquiry Officer. It has not given any reason for its conclusion. If the Disciplinary Authority has not agreed with findings of the Enquiry Officer, then Disciplinary Authority has to give its own reasons for disagreement and should offer an opportunity to the applicant to make his representation against the reasons. If it agrees with the Enquiry Officer, then it cannot be said that the charge was proved in toto. We, therefore, find an illegality in the order. The impugned order is, therefore, quashed.

3. The matter is remitted to the Disciplinary Authority. The Disciplinary Authority is directed to consider the findings of the Enquiry Officer and other material on the record and pass the final order, in the light of our observation made by us supra. The OA is accordingly allowed. No costs.

(Govindan S. Sampi)
Member (A)

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(V. Rajagopala Reddy)
Vice-Chairman (J)