

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.575/1994

New Delhi this the 16th day of August, 1999.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

(8)

Mahinder Rai S/O Nathuni Rai,
R/O I-123, Block No.8,
Chiria Colony,
IARI, Pusa,
New Delhi.

... Applicant

(By Shri S. C. Luthra, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Agriculture, Krishi Bhawan,
New Delhi.

2. Director,
Indian Agriculture &
Research Institute, Pusa,
New Delhi-110012. ... Respondents

(By Shri Vijay Chaudhary, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

By this O.A., the applicant wants quashing of
penalty order dated 16.6.1993 passed by the
disciplinary authority and that dated 9.2.1994 passed
by the appellate authority.

2. The applicant was employed in the Security
Cell in Indian Agricultural Research Institute, Pusa,
New Delhi. In respect of an incident dated 16.1.1993
he was chargesheeted and thereafter awarded the
punishment of reduction by one increment for one year
without any affect on his pensionary benefits, which
was affirmed in appeal by the appellate authority.
Being aggrieved, this O.A. has been filed for the
aforesaid relief.

For

3. After hearing the learned counsel for parties and perusing the record, we find that except reproducing the charge against the applicant, no reason has been given by the disciplinary authority for imposing on him the impugned punishment. The order is silent in this regard and is, therefore, a non-speaking order. Accordingly it deserves to be quashed. For the same reason the order of the appellate authority confirming the order of the disciplinary authority also deserves to be quashed.

4. In the result, this O.A. succeeds and it is hereby allowed. Both the orders dated 16.6.1993 and 9.2.1994 passed by the disciplinary authority and the appellate authority respectively are quashed. However, it will be open to the respondents, if so advised, to pass appropriate orders on the basis of the charges and material before them. No costs.

KM

(K. M. Agarwal)
Chairman

R.K.A. -
(R. K. Ahooja)
Member (A)

/as/