

Central Administrative Tribunal  
Principal Bench

O.A.No.1343/94

HON'BLE JUSTICE CHETTUR SANKARAN NAIR(J), CHAIRMAN  
HON'BLE SHRI R.K.AHOOJA, MEMBER(A)

New Delhi, this 28th day of October, 1996

Mool Chand  
s/o Shri Jokhey  
Ex-Loco Cleaner  
N.R.Loco Shed  
Moradabad, U.P.  
R/o LP - 4, MIG Flats  
Pitam Pura  
Delhi.

.... Applicant

(By Shri G.D.Bhandari, Advocate)

Vs.

1. Union of India, through  
The General Manager  
Northern Railway  
Baroda House  
New Delhi.

2. The Divisional Railway Manager  
Northern Railway  
Moradabad, U.P.

.... Respondents

(By Shri K.K.Patel, Advocate)

The application having been heard  
on 28.10.1996, the Tribunal on the  
same day passed the following:

O R D E R

Chettur Sankaran Nair(J), Chairman

Applicant challenges A1 order of the Disciplinary Authority, affirmed by A3, removing him from service on a charge of fabricating evidence. The allegation against applicant is that he fabricated a certificate to make it appear that he had nine days more of service, than he really had put in. According to applicant, he did not need the nine days service covered by the certificate for regularisation and there is no understandable reason for fabricating a certificate. We do not think for that we are required to go into this question.

2. There is a glaring illegality vitiating AI order. For that reason the application should succeed. The Enquiry Officer found that there was no evidence to sustain the charge, the Disciplinary Authority differed from the Enquiry Officer, issued notice to the applicant heard him and then passed the impugned order AI, which is unique in the sense that it contains no reasons for the conclusions reached therein. All that is stated is:

"I, therefore, hold you guilty of the charges ... levelled against you and have decided to impose upon you the penalty of removal from service."

3. It is settled law in this country as elsewhere, that every quasi judicial order must be supported by reasons. Such reasons are required to be stated. The reviewing authority has to examine the legality or propriety of the order, and the person against whom the order is made is entitled to know the reasons upon which the order is passed. We are distressed to note that a responsible official authority has passed an order leading to the removal of an employee under him, without even the charity of stating the reasons that persuaded him to a drastic course. Arbitrariness will be the order of things, if authorities are permitted to act on impulses. The safe guard of stating reasons cannot be dispensed with, except at peril to the rule of Law. In these circumstances, we are constrained to quash the order of the Disciplinary Authority, as also the order of the Appellate Authority confirming the same.

4. In passing, we notice that cyclostypled forms are supplied to public authorities intending to guide them, that these are used as devices to save themselves the trouble of applying their mind to facts. Minds of public authorities

must rise above cyclostyled forms. They must apply their mind to the facts of the cases that come for their consideration and they must discharge their onerous responsibilities, realising the duties they owe themselves and to those whose fortunes are left in their hands.

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5. Original Application is allowed. Parties will suffer their costs.

Dated, the 28th October, 1996.

*R. K. Ahooja*  
(R. K. AHOOJA)  
MEMBER (A)

*Chettur Sankaran Nair*  
(CHETTUR SANKARAN NAIR (J))  
CHAIRMAN

/rao/