

(27)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1237/2000

New Delhi this the 17th day of May, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K. Majotra, Member (A)

Shri Lachi Ram Sharma,  
Ex-Peon, Kendriya  
Vidyalaya, N.T.P.C. Badarpur,  
New Delhi-44

...Applicant

(By Advocate Shri Sarvesh Bisaria )

VERSUS

1. Union of India through  
the Secretary to the Govt. of  
India, Ministry of Human Resources  
(Deptt. of Education), Shastri  
Bhawan, New Delhi-110011

2. The Joint Commissioner (Admn.),  
Kendriya Vidyalaya Sangathan,  
19, Institutional Area,  
Shaheed Jai Singh Marg,  
Katwaria Sarai, New Delhi.

3. The Principal,  
Kendriya Vidyalaya,  
N.T.P.C. Badarpur, New Delhi.

...Respondents

(By Advocate Shri S. Rajappa )

O R D E R (ORAL)

( Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicant has impugned the penalty imposed by the respondents, that is the disciplinary authority by order dated 29.5.1999 removing him from service as Peon/Group 'D' employee and the appellate authority's order dated 15.12.2000 dismissing his appeals.

2. We have heard Shri Sarvesh Bisaria, learned counsel for the applicant and Shri S. Rajappa, learned counsel for the respondents at length and perused the relevant documents on record as well as the Departmental enquiry file submitted by the learned counsel for the respondents.

9/6

3. One of the main grounds taken by learned counsel for the applicant is that when the original records of Kisan Inter College Parsol (Bulandshahr) were sent by the Principal through two of his representatives, namely, S/Shri Raghu Raj Singh and Satpal Singh who had appeared in the enquiry proceedings, it appears from the respondents' records that they were cross-examined. Learned counsel has taken an objection that they had refused to sign the statements. We further do not find any statement which had been recorded by the Enquiry Officer, excepting to the extent that the defence assistant had cross-examined these two persons who had brought the original Register No.3235 of the Session 1978-79 of Kisan Inter College. They have stated that the Admission Register No.3235 in original of the year 1978-79 called for has been brought by them. However, we note that in the appeal submitted by the applicant against the disciplinary authority's order, the applicant has submitted that he has received some clarifications from the Kisan Inter College Parsol with regard to Registration number 3260 which was a clerical mistake and it pertains to one Shri Sudhir Kumar and not the applicant, whose registration number is 2770. The applicant has also contended that he was a student in that college in the years 1975 - 1978 whereas the original Register said to have been brought by the representatives of the Principal of the College pertained to the years 1978-1979.

3. Learned counsel for the respondents has submitted that although the applicant has obtained the so-called information


8. ✓

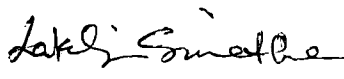
from the aforesaid College in Jan., 1999 but he did not produce the same while the enquiry was in progress which he chose to submit after the Enquiry Officer has submitted his report. The applicant seems to have submitted this document by registered post on 11.5.1999. In the circumstances, Shri S. Rajappa, learned counsel for the respondents has contended that the points raised by the applicant in the appeal, as mentioned above, are an after thought. While this may be so, however, we are unable to agree with the further contentions of the learned counsel for the respondents that the appellate authority's order dated 15.12.2000 which has been impugned in the present application is a reasoned and speaking order. It has not dealt with the issues raised in the appeal, which he ought to have dealt with on the various grounds taken by the applicant, including the aforesaid ground regarding the discrepancy in the registration numbers as that error in the Registration number was noted at the relevant time. These are essentially matters for the competent authority i.e. the disciplinary authority and/or the appellate authority to have looked into and give their findings in a categorical manner which they have failed to do as evident from a perusal of the appellate authority's order.

4. In the above facts and circumstances of the case, we find force in the submissions made by the learned counsel for the applicant that the impugned order passed by the appellate authority is a bald order. On this ground, therefore, we set aside the appellate authority's order dated 15.12.2000 and

Y.S.

remit the case to the appellate authority i.e. the Education Officer to re-consider the appeals submitted by the applicant and pass a detail, speaking and reasoned order on the issues raised therein. This shall be done within two months from the date of receipt of a copy of this order, with intimation to the applicant. No costs.

  
( V.K. Majotra )  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)

sk