

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. No. 1666/2000

New Delhi dated this the 18th day of March, 2002.

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

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)

Sh. Kishan Kumar,
Warder, Roll. No. 303,
Central Jail, Tihar,
New Delhi-110064.

... APPLICANT

(By Advocate: Shri S. C. Luthra)

VERSUS

The Govt. of NCT of Delhi
Through:

1. The Principal
Secretary (Home)
5 Sham Nath Marg,
Delhi- 110054.

2. The Addl. Director General (P) cum I.G.
Prison Headquarter
Lajwani Chowk
New Delhi_ 110064.

.... RESPONDENTS

(By Advocate: Shri Vijay Pandita)

ORDER (ORAL)

S. R. ADIGE, V. C. (A)

Heard both sides.

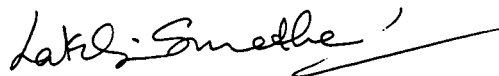
2. We notice that the Appellate Authority's order dated 22.6.2000 (Ann. A-2), is not a self contained order in as much as it does not deal even briefly with each of the points taken by the applicant in his appeal dated 2.2.2000 (Ann. A-7). For

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instance in para 18 of the aforesaid appeal dated 2.2.2000 applicant had taken the ground that he had neither examined nor produce any defence witnesses and it was obligatory on the part of the Enquiry Officer to question him generally on the circumstances appearing against him in order to explain them, as envisaged under Rule 14(18) of CCS(CCA) Rules, 1965, but the appellate authority's order does not even touch upon this ground. Other grounds have also been taken by applicant in his appeal which has not been touched upon, however briefly in the appellate order. Under the circumstances the appellate order cannot be sustained in law.

3. Without interfering with the disciplinary authority's order at this stage, the appellate order is therefore quashed and set aside and the matter is remanded back to the appellate authority to pass a detailed, speaking and reasoned order afresh in accordance with rules and instructions after giving applicant a reasonable opportunity to be heard applicant in person within three months from the date of receipt of a copy of this order.

OA is disposed of accordingly. No costs.



(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)



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

RB.