

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

Date of Decision: 4.8.94.

OA 2359/89

KESHAV DASS

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. B.K. SINGH, MEMBER (A).

For the Applicant

... SHRI JOG SINGH.

For the Respondents

... SHRI MADHAV PANIKAR.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. Applicant Keshav Dass, Heavy Vehicle Driver, was charge-sheeted u/r 14 of the CCS Rules, 1965 vide memo dated 23.1.84. An inquiry was also conducted him and the inquiry officer exonerated the applicant. However, the disciplinary authority found him guilty and passed the order of reduction of his pay from Rs.366/- to Rs.326/- by Five Stages for a period of three years in the scale of pay of Rs.320-6-326-8-390-10-400. It was further ordered that he will not earn increments of pay during the period of reduction and that this will not have the effect of postponing his future increments of pay after this period. The applicant also preferred an appeal, which was rejected on 4.4.88. The applicant also ^{submitted} preferred a memorial to his excellency the President of India, which was also rejected. The applicant has prayed that the respondents may be directed to set aside the impugned orders dated 8.12.88, passed by respondent No.1, and dated 4.4.88, passed by respondent No.2, and dated 12.8.84, passed by respondent No.3.

2. The disciplinary authority considered the findings of the inquiry officer and passed the order of punishment. We have gone through the orders of the disciplinary authority, appellate

authority and the reviewing authority. The necessary findings have not been given by any of the authorities. It was necessary for the respondents to pass an order that the applicant was responsible for tampering with the seals. The case of the respondents is also that after tampering with the seals the applicant restored them to its original position. This fact has also not been mentioned in the judgement. Thus, the order of the disciplinary authority is perverse and cannot be sustained. It falls within the purview of arbitrary action and unwarranted by law.

3. In the result, the impugned orders dated 8.12.88 (Annexure-I), dated 4.4.88 (Annexure-II) and dated 12.8.84 (Annexure-III) are hereby set aside. The applicant shall also be entitled for all consequential benefits on account of setting aside of these orders. No order as to costs.



(B.K. SINGH)
MEMBER (A)



(D.L. MEHTA)
VICE CHAIRMAN