

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(6)

O.A. NO. 205/88

DECIDED ON : 01.6.1993

PURAN SINGH

...

PETITIONER

VS.

DIRECTOR, DIRECTORATE OF
PRINTING & ORS.

...

RESPONDENTS

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

None appeared for the petitioner
Shri P. P. Khurana, Counsel for the Respondents

J U D G M E N T (ORAL)

Hon'ble Mr. Justice V..S. Malimath, Chairman :

None appeared for the petitioner. Since it is a very old matter we looked into the records and heard the learned counsel present for the respondents.

2. The petitioner was subjected to a disciplinary inquiry which ultimately culminated in an order being passed by the disciplinary authority on 26.6.1986 removing him from service. The petitioner challenged the said order in appeal to the Director, Directorate of Printing. The appellate authority passed an order on 20.8.1987 rejecting the appeal as he did not find any justification for interfering with the impugned order. It is in this background that the petitioner has challenged the order of the disciplinary authority and the appellate authority in this case.

3. It is clear from the pleadings that the disciplinary inquiry was concluded on 21.5.1986 and the order came to be

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passed by the disciplinary authority on 26.5.1986. The petitioner's case is that he was arrested on 21.5.1986 on the ground that he had committed an offence and that, therefore, it was impossible for him to participate in the inquiry proceedings on that date. We find from a perusal of the appeal memo that he had taken up such a contention before the appellate authority. We also find from the order of the appellate authority that such a contention was taken by the petitioner in his appeal but the appellate authority has not at all examined this plea of the petitioner that he could not remain present and participate in the inquiry on 21.5.1986 for reasons beyond his control, namely, his having been taken into custody on that date. There is obviously no reference to this part of the case of the petitioner which he has specifically pleaded. The appellate authority has neither accepted nor rejected his plea. Thus, it is clear that an important plea explaining the reasons for the absence on the last date of the inquiry, i.e., 21.5.1986, remains without consideration by the appellate authority. This, in our opinion, is a serious infirmity. Had the appellate authority believed the version of the petitioner, it would be a good ground for setting aside the order of the disciplinary authority and remitting the case to the disciplinary authority after annulling the proceedings of 21.5.1986 and permitting the petitioner to participate in the inquiry from that stage onwards. Interest of justice requires that the plea of the petitioner explaining the reasons for his absence

on 21.5.1986 should be examined by the appellate authority. The order of the appellate authority cannot be regarded as having been passed in accordance with law as the vital ground raised by the petitioner has not been considered.

4. For the reasons stated above, this OA stands disposed of with the following directions :-

5. The order of the appellate authority dated 20.8.1987 is hereby quashed and the case is remitted to the appellate authority, namely, the Director, Directorate of Printing, for fresh disposal of the appeal in the light of the observations made in the course of the judgment, with utmost expedition. No costs.

B. N. Dhoundiyal
(B. N. Dhoundiyal)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman