

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1236 T.A. No. 198 8

DATE OF DECISION 8.7.88

Shri Ashwani Kumar

Petitioner

Shri O.P.Gupta,

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No

KAUSHAL KUMAR
(KAUSHAL KUMAR)
- MEMBER

L. Madhava Reddy
(K. MADHAVA REDDY)
- CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. OA 1236/88

Date of decision: 8.7.88

Shri Ashwani Kumar

..... Applicant

Vs.

Union of India

.....

Respondents

Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

Applicant through Shri O.P.Gupta, Counsel.

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

The applicant a C&W Khalasi, was removed from service on the charge of taking a second wife while the first wife was living. He preferred an appeal against the order of removal to the Divisional Mechanical Engineer(C&W), Northern Railway, New Delhi. That appeal was dismissed by a cryptic and non-speaking order. A further appeal filed by him was also rejected by the DRM's office by equally another non-speaking order. The applicant denies that he has taken a second wife. Whether he has taken a second wife or not is a question of fact on which the Appellate Authority was bound to give a finding after considering the entire evidence in the light of the grounds before confirming or reversing the order of the Disciplinary Authority. The orders of the Appellate Authority themselves must ex facie disclose that they have been passed after considering all the relevant material. In the face of these non-speaking orders of the Appellate Authority, the Tribunal has no option but to quash the same and direct the First Appellate Authority to consider and dispose of the appeal afresh by a speaking order. The order of the Original Authority stands pending the disposal

Enty

of the appeal. This application is accordingly allowed. The Appellate Authority shall hear and dispose off the appeal within a period of three months of the date of receipt of this order.

2. This application stands disposed off in the above terms with no order as to costs.

A. M. K.

(KAUSHAL KUMAR)
MEMBER

K. M. R.

(K. MADHAVA REDDY)
CHAIRMAN

8.7.88