

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00369/2018

DATED THIS THE 05TH DAY OF FEBRUARY, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Shri A.J. Srinivasan
S/o A.R. Jayaraman (late)
Aged about 45 years
Officer (Finance & Accounts)
Central Institute of Plastics
Engineering & Technology (CIPET),
437/A, Hebbal Industrial Area,
Mysuru-570 016. ...Applicant

(By Advocate Shri N.G. Phadke for Applicant)

V/S

1.The Union of India,
Represented by its Secretary &
President, Governing Council of
Central Institute of Plastics
Engineering & Technology (CIPET),
Ministry of Chemicals & Fertilizers,
Shastry Bhavan,
New Delhi-110 001.

2.The Director General,
Central Institute of Plastics
Engineering & Technology (CIPET),
Head Office, Guindy,
Chennai-600 032.

3.The Director & Head,
Central Institute of Plastics
Engineering & Technology (CIPET),
437/A, Hebbal Industrial Area,
Mysuru-570 016. ...Respondents

(By Shri V. N. Holla Counsel for Respondents)

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

Vide order dated 29.12.2015, the Disciplinary Authority had imposed a penalty of reduction of pay by 2 stages for a period of 2 years with cumulative effect upon the applicant herein. The said order was received by the applicant on 05.01.2016. Being aggrieved, the applicant preferred an appeal before the Appellate Authority on 10.02.2016. In continuation to said appeal, the applicant also submitted a Memorandum dated 22.04.2016 narrating therein certain important facts along with some more documents.

2. The Appellate Authority vide its order dated 21.10.2016 has, however, dismissed the said appeal. Operative portion of the said order is reproduced herein:

“3.On careful consideration of the entire records of the proceedings and relevant materials on record, the Appellate Authority considered the submissions made by Shri A.J. Srinivasan, the Appellant, are not in conformity with the facts of the matter and rejected his Appeal.”

3. In our considered view, the aforesaid order is not in consonance with the provisions of Rule 2.11 (4) (d) of the Conduct and Disciplinary Rules as

contained in the Administrative Manual issued by the Central Institute of Plastics, Engineering and Technology, Chennai as the said Rule contemplates that the Appellate Authority after considering all the circumstances of the case shall pass a just and equitable order within a period of 6 months from the date of receipt of an appeal. Such a cryptic order passed by the Appellate Authority, which sans the reasons, cannot be termed to be a just and equitable order and, therefore, the same deserves to be quashed.

4. Accordingly, the Original Application is partly allowed and the order dated 21.10.2016 passed by the Appellate Authority is hereby quashed and set aside. The matter is remitted back to the Appellate Authority to pass a fresh order after taking into consideration all the facts and circumstances brought on record by the applicant by way of filing an additional memorandum dated 22.4.2016. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of 2 months from the date of receipt of a certified copy of this order.

. (RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

vmr