

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 236/86.
T.A. No.

198

DATE OF DECISION 8-5-1987

Shri S. Agya Singh

Petitioner Applicant

Shri *Tandon* K.K. Chushan

Advocate for the Petitioner(s)

Versus

Union of India & Anr

Respondent

Shri N.S. Mehta

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. JUSTICE ZAHEER HASAN, VICE CHAIRMAN

The Hon'ble Mr. BIRBAL NATH, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to all the Benches ?

8/5/87
(BIRBAL NATH)
A.M.

8/5/87
(ZAHEER HASAN)
V.C.

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O.A. No. 236/86.




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JUDGMENT.



the applicant. An enquiry was instituted against the applicant and the Inquiry Officer held that charge No. 2 was not proved, charge No. 6 was proved partly and the remaining charges were proved. The Union Public Service Commission held that charge No. 1 was proved, charge No. 2 was not proved, charges 3 and 4 were partly proved, charge 6 was not proved and charge No. 7 was proved. By order No. C-13015/81-AV.III dated 4th December, 1984, the applicant was informed by Shri Rajan S. Lala, Assistant Vigilance Officer that the President, in consultation with the Union Public Service Commission (UPSC) and after considering the Inquiry Officer's report and other factors of the case, has come to the conclusion that he failed to maintain absolute integrity and devotion to duty and that the ends of justice would be met if the penalty of 'Compulsory retirement' was imposed and this order has been challenged by the applicant as bad in law.

2. This application can be disposed of on a short point. There were seven charges. The Inquiry Officer held that charge No. 2 was not proved, charge No. 6 was partly proved and the remaining charges were proved. The UPSC held that charges No. 1 and 7 were proved, charges No. 2 and 6 were not proved and charges 3 and 4 were partly proved. In the order dated 4th December, 1984, at page 19 of the paper book, all the charges had been recited and thereafter it is mentioned that an Inquiry Officer was appointed who held that certain charges were ~~xxx~~ proved. So, the President in consultation with the UPSC and after considering the Inquiry

Officer's report and other factors of the case, came to the conclusion that the applicant had failed to maintain absolute integrity and devotion to duty and, therefore, he was being compulsorily retired. This order does not indicate as to whether the Disciplinary Authority accepted the entire finding of the Inquiry Officer or the entire finding of the UPSC or accepted only parts of the same. This order does not further mention that all the charges have been made out. After detailing charges, it simply states that the President after consultation with the UPSC and considering the Inquiry Officer's report etc. had come to the conclusion that the applicant had failed to maintain absolute integrity and devotion to duty. It is not a speaking order, as stated above. So, the impugned order is clearly bad in law and it is hereby set aside. The authorities will be at liberty to proceed according to law. The parties to bear their own costs.

8/5/87

(BIRBAL NATH)
Administrative Member

8.5.87

(ZAHEER HASAN)
Vice-Chairman.