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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1115/1986

DATE OF DECISION : 6.8.1991

JOGINDER SINGH

... APPLICANT

VS.

UNION OF INDIA & OTHERS

... RESPONDENTS

Shri B. B. Srivastava, Counsel for the Applicant.

Shri Jagjit Singh, Counsel for the Respondents.

CORAM : HON'BLE SHRI G. SREEDHARAN NAIR, VICE CHAIRMAN (J)
HON'BLE SHRI S. GURUSANKARAN, MEMBER (A)

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J U D G M E N T

Hon'ble Shri G. Sreedharan Nair, V.C.(J) :

The applicant while working as Loco Foreman was proceeded against ~~and was~~ ^{by the} issued ^{of} a memorandum of charges dated 5.7.1982. The imputation was that during the period 1981-82 he committed certain acts and omissions amounting to misconduct. The applicant denied the charges. An inquiry was conducted. The inquiry officer reported that out of eight articles of charges four were established. The disciplinary authority accepted the report of the inquiry officer and by the order dated 14.5.1984 imposed upon the applicant the penalty of reduction to the lower grade. The appeal submitted by the applicant was rejected by the order dated 29.11.1984. The review petition submitted by the applicant was disposed of on 27.3.1986 by which order the posting of the applicant into the lower grade was approved but the operation of the penalty was restricted to the period already undergone.

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2. The applicant prays for quashing the order imposing the penalty. It is urged that there has been violation of principles of natural justice. There is also the plea that the orders of the appellate and reviewing authorities are non-speaking orders.

3. The respondents have filed a reply contending that the order imposing the penalty does not require interference.

4. On a reading of the orders issued by the appellate and reviewing authorities, we are satisfied that the objection of the applicant that they are non-speaking orders has to be accepted.

5. In support of the plea of denial of natural justice, it was submitted by the counsel of applicant that before the disciplinary authority issued the order imposing the penalty a copy of the report of the inquiry officer was not furnished to the applicant. Since the penalty that has been imposed is one of reduction in rank, the non-furnishing of the copy of the inquiry officer's report amounts to denial of reasonable opportunity guaranteed under clause (2) of Article 311 of the Constitution.

6. In the result the order of ¹¹⁵disciplinary authority dated 14.5.1984 as confirmed on appeal and as modified on review, is hereby quashed. However, it is made clear that if the respondents desire to proceed with the matter, it will be open to them to do so after the disciplinary authority affords ~~the~~ opportunity to the applicant to submit his representation, if any, on the report of the inquiry officer. In case the proceedings are to be continued, it shall be commenced within a period of three months from the date of

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receipt of copy of this order. If the proceedings are not proposed to be continued, the applicant shall be allowed the consequential benefits of this order within the aforesaid period of three months.

The application is disposed of ^{accordingly.} ~~as such leaving the~~
~~parties to bear their own costs.~~

S. Gurusankaran
6/8/1991
(S. Gurusankaran)
Member (A)

G. Sreedharan Nair
6-8-1991
(G. Sreedharan Nair)
Vice Chairman (J)