

Central Administrative Tribunal
Principal Bench: New Delhi.

O.A.No.1391 of 1987.

Date of decision: 1.2.93.

Charan Singh

...

Applicant

Versus

Union of India and Others ...

Respondents

CORAM:

THE HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K.RASGOTRA, MEMBER(A).

For the applicant .. Shri S.K.Bisaria, Counsel

For the respondents .. Shri M.L.Verma, Counsel

JUDGMENT (ORAL)

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

When the petitioner was holding the post of Conductor in the Railways, a disciplinary enquiry was held against him in respect of certain charges. He was found guilty and the disciplinary authority made an order on 16.5.1986 permanently reverting the petitioner to the Class IV post. Even before the order of reversion came to be served on the petitioner, the petitioner approached this Tribunal for relief on the ground that there is no use of preferring the appeal available to him under the rules, the appellate authority not having the power to grant interim order staying the order of reversion. The Tribunal granted an interim order of stay on 1.10.87 and disposed of the case finally with a direction that the petitioner should avail all the statutory remedies of appeal and revision. The Tribunal directed stay of the order of reversion pending disposal of these proceedings. The petitioner accordingly

filed the appeal which came to be rejected on 25.7.1986.

He then preferred Review Petition which came to be dismissed on 4.9.1987. It is in this background that the petitioner has filed this application.

2. The Principal contention of Shri S.K.Bisaria, learned counsel for the petitioner, is that the orders of the disciplinary authority as also of the appellate authority are not speaking orders. We have perused these orders. As far as order of the appellate authority is concerned, there is no mention about the reasons for rejection. So far as order of the revisional authority is concerned, it is slightly better in the sense that the points urged by the petitioner have been formulated. After the formulation, the appellate authority saw no good grounds to interfere with the orders of the disciplinary authority and said that whatever has been said in the enquiry report and the disciplinary authority's report is proper. It can hardly be considered as proper consideration of the petitioner's case. The authorities should have applied their mind to the contention raised by the petitioner and given reasons for rejecting or they should have either accepted or not accepted. That not having been done, both the orders are vitiated as there is no application of mind. Hence, this petition is entitled to succeed. To avoid delay, we would like to remit the case only to the revisional authority for final disposal.

3. For the reasons stated above, this petition is allowed

and the order of the revisional authority is hereby quashed and the case is remitted to the revisional authority for fresh disposal in accordance with law. The revisional authority is directed to consider the contentions raised by the petitioner and pass an order after recording reasons dealing with the contentions of the petitioner on merits. As this matter is pending since long, the revisional authority is directed to dispose of the matter within a period of four months from the date of receipt of a copy of this judgment. Interim order passed on 1.10.87 shall continue until the final disposal of the revision petition. No costs.

Shyam
(I.K.RASGOTRA)
MEMBER(A)

Malimath
(V.S.MALIMATH)
CHAIRMAN

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