

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

Original Application No. 1025 of 1987

S.D. Sharma Applicant

Versus

Union of India & Others Respondent

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Ms. Usha Savara, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,VC)

The applicant was working as Senior Drawing Teacher at the Government Boys School, Malviya Nagar, New Delhi. It is said that he was absent~~ed~~ⁱⁿ from duty on 3.9.1981 and earlier he also absented in unauthorised manner. A charge sheet was served upon the applicant on 31.12.1984 in which three charges^{were pressed} against him. First charge against him (i) that he was absenting himself from duty w.e.f. 3.9.1981 and earlier he absented unauthorisedly from duty in the year 1974, 75 and 1976 as such, he has violated the rule 7 of C.C.S.(C.C.A) rules. The second charge against him was that while he was working as drawing teacher at Government Boys School Chatterpur he refused to hand over the charge and has thus violated rule 3 of the CCS(Conduct) Rules, 1964. The third charge against him was that while he was working as Drawing Tr at G.B.S Chatterpur New Delhi tampered with the School Attendance register and has violated rule 3 of the C.C.S.(Conduct) Rules, 1964.

2. The applicant denied the charges against him. One Pand Lal Singh Superintendent of Education was appointed an Inquiry Officer to enquire ^{into} the charges levelled against the applicant. Before the inquiry Officer, the applicant demanded certain documents ~~to consider~~ ^{for enabling him to defend himself}

3. According to the respondents ~~that~~ the copy of the document ^{was} given to him and subsequently, he also demanded certain copy. ^{After a while, the respondent was seen by the} The applicant contested the case and the enquiry officer submitted his report holding applicant guilty. The report of the enquiry officer is not a detail report and the matter was referred to the disciplinary authority. The disciplinary authority passed a non-speaking order, that's why the applicant has approached this tribunal.

4. It is not necessary to go into the pleas raised by the applicant. Suffice it to say that so far as the old charges of the applicant absence is concerned, the same could not have been made. However, the first absence was regularised and this aspect was also not considered as well as the enquiry officer or the disciplinary authority. They also ~~did~~ not take into consideration that the pleas raised by the applicant regarding the competence of the disciplinary authority and the other plea raised by the applicant, it ^{was} necessary ^{for the} disciplinary authority to pass speaking order ^{9/11/1987} and ^{was} have not assigned any reason and ^{was} have not taken into consideration the objection raised by the applicant, as such the application deserves to be allowed. Accordingly, the impugned order dated 27.5.1987 is quashed. However, the disciplinary authority may consider this ~~xx~~ case again after taking into consideration the enquiry officer's report. The disciplinary authority will take into consideration the pleas raised by the applicant and the charge no. 1 was in respect of something which happened in the past which could not have been included as well as the quantum punishment will be passed a speaking order. Let it be done within a period of 3 months from the date

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of communication of this order. ~~Notice to the applicant~~
~~for giving an opportunity of hearing may be given too.~~
The consequences will follow the result of the order.
With these observations, the application is disposed of
finally. No order as to the costs.

[Signature]
Member (A)

[Signature]
Vice-Chairman

[Signature]
Dated: 21.12.1992.

(RKA)