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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2530 of 1991

New Delhi this the 21st day of September, 1995.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)

HON'BLE SHRI R. K. AHDOJA, MEMBER (A)

Ghasi Ram S/O Paras,
R/O 210, Anita Tal,
Behind Tehsil, Jhansi
working as Ambulance Driver,
Central Railway Hospital,
Jhansi.

... Applicant

(By Shri H. P. Chakravorty, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Railways, Rail Bhawan,
New Delhi.

2. Dr. S. R. Garg,
Divisional Medical Officer,
Central Railway, Jhansi.

3. Dr. N. D. Sharma,
Chief Medical Superintendent,
Central Railway,
Jhansi.

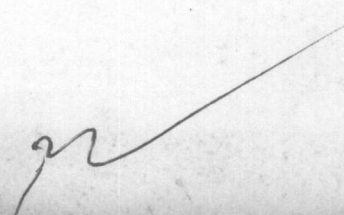
... Respondents

(By Shri H. K. Gangwani, Advocate)

O R D E R (ORAL)

Shri A. V. Haridasan, V.C. (J) :-

A penalty of reduction in rank from the post of Ambulance Driver Grade-II to that of Ambulance Driver Grade-III in the pay scale of Rs.950-1500 imposed for a period of one year on the applicant by the 2nd respondent and the appellate order rejecting his appeal against this order dated 31.8.1990, are under challenge in this application filed under Section 19 of the Administrative Tribunals Act, 1985. The impugned order dated 20.4.1989, Annexure A-2, was the result of an inquiry held against the



applicant pursuant to a chargesheet dated 12.8.1987 (Annexure A-1). He was charged with unauthorised absence from duty from 10.6.1986 till the date of issue of the chargesheet. An inquiry in accordance with the rules was held in which the applicant participated. The inquiry officer submitted a report (Annexure A-12) dated 1.7.1988 wherein it was held that the charge of unauthorised absence was not established. The 2nd respondent on receipt of this inquiry report passed the impugned order dated 20.4.1989 finding the applicant guilty and imposing on him the aforesaid penalty. The disciplinary authority has not in his order stated as to how the misconduct alleged against the applicant had been established, though he has stated that the finding of the inquiry officer is not acceptable to him. The material on which he came to that conclusion and as to how the alleged misconduct had been established, ^{are} ~~is~~ not disclosed. The order of the disciplinary authority is cryptic and non-speaking on this aspect. From the inquiry report it is seen that no evidence of any kind was taken on record in support of the charge. Under these circumstances, it is not known how the disciplinary authority could conclude that the applicant was guilty. The order is, therefore, not only bad for want of application of mind but also perverse. The same is liable to be struck down.

2. The appellate authority has not considered the grounds raised by the applicant in his memorandum of appeal. The order of the appellate authority

is more cryptic and non-speaking than that of the disciplinary authority. The same is also liable to be struck down.

3. In the result, the application is allowed. The impugned orders dated 20.4.1989 (Annexure A-2) of the 2nd respondent imposing upon the applicant penalty of reduction as also the appellate order dated 31.8.1990 are set aside with all consequential benefits. There shall be no order as to costs.

R. K. Ahooja
(R. K. Ahooja)
Member (A)

A. V. Haridasan
(A. V. Haridasan)
Vice Chairman (J)

/as/