

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 3120/1991

Thursday, this the 28th November, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Hari Kishan S/O Siri Chand,
Mali Khalasi,
C/O Inspector of Works (Hort),
Lines, Nizamuddin,
Northern Railway,
New Delhi.

... Applicant

(By Shri Sant Singh, Advocate)

-versus-

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. Divisional Superintending
Engineer (III),
Northern Railway,
New Delhi.
4. Inspector of Works (Hort.),
Lines, Nizamuddin,
Northern Railway,
New Delhi.

... Respondents

(By Shri R. L. Dhawan, Advocate)

The application having been heard on 28.11.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR (J), CHAIRMAN —

Applicant challenges A-1 order imposing a
punishment on him upheld by A-2 and A-3. Charge
against applicant was that he absconded without
prior sanction and that he used unparliamentary
language. In A-3 the inquiry officer finds
(in a fourth inquiry) that :

...2.

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"...in order to create harmonious atmosphere and the interest of work, we propose that Shri Hari Kishan (applicant) may be transferred... A minor penalty should be imposed..."

Harmony cannot be achieved by punishing someone without a basis therefor. There is nothing on record to show that the authorities below had concluded :

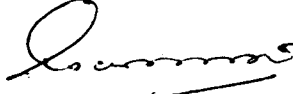
(a) either that applicant had absented unauthorisedly, or

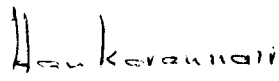
(b) that he had used unparliamentary language.

It is not known what the language used was and it is not found that any offensive language was used. The orders passed by the authorities are highly cryptic. We quash the impugned orders.

2. Application is allowed. No costs.

Dated, the 28th November, 1996.


(S. P. Biswas)
Member (A)


(Chettur Sankaran Nair, J.)
Chairman

/as/