

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2182/92

New Delhi this the 17th Day of December, 1993.

The Hon'ble Mr. N.V. Krishnan, V.C. (A)

The Hon'ble Mr. B.S. Hegde, M(J)

Sh. A.K. Srivastava,
R/o 1/2981, Ram Nagar Extension,
Lodi Road, Shahdara, Delhi-110032

... Applicant

(By Advocate Sh. S.K. Sawhney)

V/s

1. General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Asstt. Commercial Supdt. (Coaching)
Northern Railway, New Delhi

... Respondent

(By Advocate Sh. Rajesh)

ORDER (GRAL)

(Hon'ble Sh. N.V. Krishnan, V.C. (A))

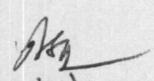
The applicant is a Parcel Clerk under the IInd respondent. The applicant was issued notice under ~~A.A. II~~ A.A. II with a view to impose minor penalty on him for the charges enclosed with ~~A.A. II~~ A.A. II. Annexure A-I is the final order of the Disciplinary authority which merely states that with reference to his reply to ~~A.A. II~~ A.A. II memorandum, a direction was given to debit Rs 3416/- in 15 equal instalments. An appeal was filed by the applicant.

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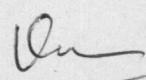
2. Learned counsel for the respondents took time to produce the copy of Appellate order. The appellate order is now produced. It appears that this order was passed in 1992.

We have heard the both parties and perused the records. We find that neither disciplinary order Annexure-A-1 nor the appellate order Annexure R-I is a speaking order. In a minor penalty case, where no enquiry was held, it is the duty of the disciplinary authority at least to consider the main facts and the allegations as well as reply given by the delinquent and then come to ^{the} this conclusion. This has not been done. In the circumstances, we are of the view that both these orders are to be quashed.

3. Accordingly, we ^{do} quash the Annexure A-1 order for imposing minor penalty and Annexure R-I appellate order. We make it clear that it is open to the ^{respondent} to pass speaking order within a period of two months from the date of receipt of a copy of this order. ^{in case it is decided to continue the proceedings} If the applicant is still aggrieved, it is open to him to approach this Tribunal, if so advised.


(B.S. Hegde)

Member (J)


17.12.13
(N.V. Krishnan)

Vice Chairman (A)

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