

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

O.A. No.571 of 1992.

Dtd: 23/12/92

Mahendra Singh

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Ms. Usha Savara, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

As the pleadings are complete the case is being disposed of finally after hearing the counsel for the parties.

2. The applicant, at the relevant point of time was working as Tem-MCC under PWI-II Northern Railway Rohtak. He was served with a charge sheet vide memo dated 19.11.90. The charges against the applicant were that 1) he accepted Rs 50/- as illegal gratification from Shri Jai Bhagwan (Decoy) on 15.6.90 for arranging inclusion of his night duty allowance Bills in the regular salary bills for which he was not authorised and 2) he prepared and issued orders for transfer absence duty etc. of the staff under Part-II /ROK under his own signatures for which he was not authorised. Thus he did this job with mala fide intention. The enquiry officer conducted the enquiry and came to the conclusion that the charge No 2 was proved and the charge No.1 was not proved. The disciplinary authority, after taking into consideration the enquiry officer's report and agreeing with the findings of the enquiry, dismissed the applicant from service. Applicant filed appeal against the same, which was also dismissed, without giving any reasons. The applicant has challenged the proceedings on various grounds including that the documents relied upon were not supplied to him and the copy of the preliminary enquiry report was also not supplied to him.

and that the appellate order is not a reasoned order <sup>has been passed</sup> and <sup>without</sup> application of mind.

3. It is not necessary for us to enter into this question. The disciplinary authority did not apply his mind and it was incumbent upon to pass an speaking order, but it is not necessary to go into this question as the matter is to go back to the appellate authority, in as much as the appellate authority has without giving personal hearing to the applicant and dismissed the appeal by a non speaking order. The application is allowed and the appellate order dated 7.1.92 is quashed and the appellate authority is directed to dispose of appeal of the applicant after giving him personal hearing and taking into consideration all the pleas raised by the applicant within 2 months of the communication of this order to them. No order as to costs.

A.M.

*A.M. Kavar*

V.C.

Shakeel/-

Dated: 23.12.92 .