

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 585/92 with OA 586/92

(A)

New Delhi this the 12th day of May, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri R.K. Ahooja, Member (A)

OA 585/92

Shri Phool Singh
s/o Shri Sukhi Ram,
R/O J-239, Jahangir Puri, Delhi-33

... Applicant

(By Advocate Shri S.N. Shukla)

Vs.

1. Union of India through the Secy.,
Ministry of Agriculture, Department of
Agriculture and Co-operation,
Krishi Bhavan, New Delhi-1

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

... Respondents

(By Advocate Shri V.S.R. Krishna)

OA 586/92

Shri Kartar Singh
s/o Shri Kura Singh
R/O WZ-22, Todapur Village,
New Delhi-110012

... Applicant

(By Advocate Shri S.N. Shukla)

Vs.

1. Union of India through the Secy.,
Ministry of Agriculture & Co-operation,
Krishi Bhawan, New Delhi-110001

2. The General Manager,
Delhi Milk Scheme, West Patel Nagar,
New Delhi-110008

... Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Shri R.K. Ahooja, Member, (A))

The main grounds taken in these two OAs are the same and therefore, these OAs are disposed of by a common order.

2. The allegation against the applicant was that while deployed on milk distribution duty on 6.12.1988 he alongwith

in OA 585/92.

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others which includes Shri Karlar Singh attempted to pilfer 35 X 1 litres poly pack milk, and, therefore, the disciplinary authority initiated the departmental enquiry under Rule 14 of the CCS (CCA) Rules, 1965 as a result of which the penalty of compulsory retirement was awarded. The appeal filed by the applicant against this order to the Secretary, Ministry of Agriculture and Co-operation was also rejected vide Memo, dated 6.3.1991. Therefore, he has filed this application for seeking directions to quash the disciplinary authority's order as well as the appellate authority's order and for reinstatement with all consequential benefits.

3. The applicant has pointed out certain discrepancies in the disciplinary authority's order including the fact that the punishment was awarded by the General Manager when in fact it was the Deputy General Manager who was the disciplinary authority in this case. He had taken some other grounds in his appeal which he alleges were not considered by the Secretary, Ministry of Agriculture and Co-operation.

4. We have heard the learned counsel for both the parties. It is denied by the learned counsel for the respondent that the appellate authority's order is not a speaking order. He also contended that there is no irregularity in the General Manager while passing the order. He also submits that there is no irregularity in the appellate authority's order as well.

5. We have considered the arguments on both sides and perused the appellate authority's order and we find that the appellate authority has summarily rejected the appeal and has not considered the points raised by the applicant in his appeal, particularly in regard to the authority which is competent to pass the disciplinary authority's order. In view of this position, we quash and set aside the impugned order of the appellate authority in both these two OAs and remand the case to the appellate authority to pass a speaking and reasoned order

within a period of three months from the date of receipt of a copy of this order with intimation to the applicant.

6. The two OAs are disposed of as above. No order as to costs. A copy of this order should be kept in OA 586/92 (Sh. Kartar Singh v. UOI & Ors)

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

~~Lakshmi Swaminathan~~
(Smt. Lakshmi Swaminathan)
Member (J)

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Attested

Aswads
16/5/97
Co. CID