

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. NO.1126/92

DATE OF DECISION: 27/11/92

MUKHTAIR HUSSAIN

....APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

SHRI B.S. MAINEE

....COUNSEL FOR THE APPLICANT

SHRI H.K. GANGWANI

...COUNSEL FOR THE RESPONDENTS

CORAM:

HON'BLE JUSTICE SHRI RAM PAL SINGH, VICE CHAIRMAN (J)

HON'BLE SHRI I.P. GUPTA, ADMINISTRATIVE MEMBER.

J U D G E M E N T (ORAL)

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1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

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Both the counsels are heard finally. Shri B.S. Mainee, the learned counsel for the applicant raised the point that a departmental enquiry was held against the applicant and he was removed from service vide Annexure A-1 dated 24.09.91. He also drew our attention that a copy of the enquiry report was supplied to him along with Annexure A-1 i.e. on 24.9.1991. Shri Mainee further contended that the impugned order was passed on 24.9.1991 and according to the judgement of Mohd. Ramjan (JT 1990 SC 456), the requirement of the supply of the enquiry report is prior to the order of disciplinary authority. He also contended that the appellate order Annexure A-2, on appeal filed before the Appellate Authority is telegraphic and does not give any reason for rejecting the appeal. He also contended that the Appellate Order, Annexure A-2, is not a speaking order. We have perused Annexure A-2 and contention of Shri B.S. Mainee has to be sustained. The appellate order should be a speaking order and reasons for rejecting the appeal should be given by the appellate authority so that when it is subjected to judicial review, it may be seen, as to whether the appellate authority properly exercised its appellate powers or not. On this simple point, we are satisfied that the appellate order, Annexure A-2, cannot be sustained. We therefore, quash Annexure A-2 and direct the appellate

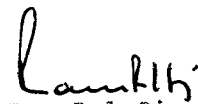
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authority to decide the appeal of the applicant by a speaking order and after giving an opportunity to the applicant, who should be heard. With these directions, this OA is finally disposed of. This order shall be complied with as early as possible preferably within two months. The applicant shall have, after the appellate order is passed, a fresh cause of action and he shall be at liberty to raise all the points after the appellate order has been passed.

The interim order passed earlier, shall continue until the appeal is finally disposed of.

  
( I.P. Gupta )  
Member (A)

  
( Ram Pal Singh )  
Vice Chairman (J)

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S.No. 7.

OA No. 1219/92

27.11.92