

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
Registration O.A.No. 311 of 1986

M.L.R.athore

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Applicant

Vs.

Union of India & Others....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

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

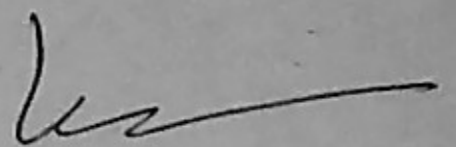
The applicant who at the relevant point of time was working as Upper Division Clerk in MAJ Section of the Small Arms Factory, Kanpur, and was made incharge of the MAJ Station Office from 27.6.83 to 2.7.83. The applicant had to perform his duties in the MAJ Section office in the night shift dealing with the work of manufacture and material warrants. On 24.1.85 the applicant was chargesheeted for alleged act of misconduct having given a false statement before the Court of Enquiry to the effect that Shri Chotey Lal Labour-B was in his office upto 11 A.M. on 1.7.83 whereas the applicant was on night-shift duty on such date, and the applicant fraudulently deposed on 16.11.84 with malafide intention amounting to cheating and misleading the court. The show cause notices were issued to the applicant under Rule 16 of the CCS rules. The applicant submitted detailed reply to the same. No proceedings whatsoever were taken and a non-speaking order was passed by the respondents on 24.1.85 for penalty of stoppage of 3 increments without cumulative effect was imposed. The applicant filed a detailed appeal against the same and the appellate authority passed a stereo typed order dismissing the appeal. The stereo typed order even the column which is raised that the procedure was followed also was not deleted meaning thereby that the appellate authority did not apply his mind. It was a proceedings under rule 16 and the same involved various question of facts and the applicant made reference to the entries in the register which he made in the presence of the Thekedar as such it required enquiry.

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It was case in which without some enquiry and

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associating the applicant with the same no such conclusion could have been arrived^{at}. The respondents without applying their minds to the correct factual position and without analysing the fact come to a particular conclusion without assigning any reasons for the same. The conclusion in these circumstances cannot be said to be confirmative with Rule 16 of the CCS rules or in conformity of the principle of natural justice. Accordingly this application is allowed and the order dated 8.11.85 and appellate order dated 30.4.86 are quashed. It will be open for the disciplinary authority to proceed in the matter in accordance with law in the light of the observation made above. No order as to costs.



VICE-CHAIRMAN.

16th December, 1991, A11d.

(sph)