

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration T.A.No. 1051 of 1986

R.N.Verma

....

Applicant

vs.

Union of India & Others....

Respondents

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

Hon'ble Mr. K. Obayya, Member(A )

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

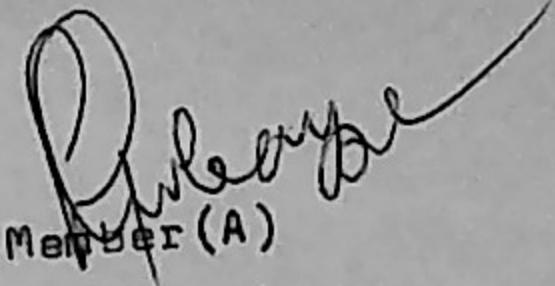
Against the punishment order the applicant filed an appeal and it appears that the appeal was dismissed, but the appellate order was not given to the applicant except that the Manager communicated to the applicant that his appeal has been dismissed with the result that the applicant could not get the reasons for the same. The applicant started his service career as Checker in the Harness & Saddlery Factory, Kanpur on 10.3.62. He was promoted to thepost of Godown Keeper and was redesignated as Assistant Store Keeper. In the year 1971 during the period when the applicant was on leave the Godown was operated by several persons and when he came back on duty as per his allegation he found Godown lislocated so he started checking and gave joint application of information with Chargeman Incharge to the Manager(Training). The Board of inquiry was set up and thereafter a memo of chargesheet was given to the applicant containing certain charges in this behalf. Sometimes thereafter the said chargesheet was abruptly dropped without assigning any reason and subsequently another chargesheet was given to the applicant containing the same charges. On the said charges an inquiry took place and the Inquiry Officer submitted his report to the disciplinary authority exonerating the applicant from charges.

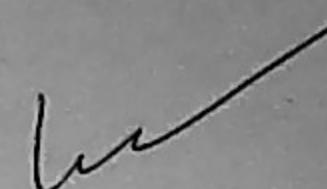
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The disciplinary authority disagreed with the findings of the Inquiry Officer's report and after giving notice to the applicant passed the punishment order on 29th November, 1986 reducing the pay of the applicant by two stages with effect from 29.11.76 with cumulative effect for misconduct and attempted theft of Government property. The applicant filed an appeal against the said punishment order and the appeal was disposed of in the manner as stated above. The applicant has challenged the entire inquiry proceedings and made reference to the various inquiries and various charge-sheets one overlapping the other, and which according to the applicant vitiated the entire inquiry. These are the matters which were to engage the attention of the appellate authority first. But here in this case the appellate authority without giving any personal hearing to the applicant disposed of the appeal and preferred not to communicate the appellate order to the applicant and the only communication which was given to the applicant was that his appeal has been dismissed and that to, by another authority. It will not be necessary to go into the merits of the case as the matter can still be decided by the appellate authority and the duty is enjoined upon the appellate authority to hear the applicant personally. The grievances raised by the applicant can still be looked into by the appellate authority. Accordingly the appellate order communicated to the applicant <sup>by</sup> Manger dated 29.11.76 is quashed. The appellate authority is directed to disposed of the appeal after giving a personal hearing to the applicant and the appellate <sup>authority</sup> shall take into consideration all the pleas raised by the applicant and

- 3 -

pass a speaking order. Let the appeal be decided within a period of 3 months from the date of the communication of this order as it is a very old matter. No order as to costs.

  
Member (A)

  
Vice-Chairman.

20th February, 1992, Alld.

(sph)