

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

REGISTRATION T.A. No. 732 of 1987. (79/45)

(Writ Petition No. 6402 of 1981)

Ved Ram

... Petitioner

Vs.

Union of India & others

... Opp. Parties

Hon'ble Mr. DK Agrawal, JM

Hon'ble MR. MM Singh, AM

JUDGMENT

(Delivered by Hon'ble DK Agrawal, JM)

Writ Petition No. 6402 of 1981 filed in the High Court of Judicature at Allahabad on transfer to the Tribunal was registered as T.A. No. 732 of 1987, as indicated above.

2. Briefly, the facts are that the petitioner namely Ved Ram ~~had~~ hit A.K. Saxena, PWI, Grade-III ^{by Shre} ~~on~~ 6-10-1979. An FIR of the incident was also lodged. Thereafter on 27-11-1979, a show-cause notice was given to the petitioner and finally on 7-3-1980, the impugned order as contained in Annexure-3 to the writ petition was passed purporting ~~to be~~ ^{to be} Rule 18 of Railway Servants (Discipline & Appeal) Rules 1968, dispensing with the enquiry and removing the petitioner from service. The said order has been challenged by the petitioner on the ground that reasons for dispensing with the enquiry were not given. For this purpose, we called upon the counsel for the respondents to show us the reasons, if any, recorded by the disciplinary authority before passing the impugned order. The file was shown to us which did not contain any reason except one sentence to the effect "Sri Ved Ram will only put forward baseless accusations rendering the enquiry impossible". To say the least, the aforesaid sentence does not amount to reasons which are required to be recorded under law before dispensing with the enquiry. Our attention was also

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invited to the appellate order dated 18-4-1982. The appellate authority has given following reasons while rejecting the appeal:

"Apart from this Shri Bed Ram, Mate was a member of the Engineering Labour Association which is an unrecognised unit. He had brought about a reign of terror amongst the workers by his various activities, organisation of relay hunger fast at the entrance of AEN/ALON's residence from 13-11-1979, being an example of the same, it was correctly deduced that he will not only delay the proceedings but would also terrorise other employees from giving evidence against him. I, therefore, fully agree with the views of Disciplinary Authority that it was not reasonably practicable to hold an enquiry into the case".

3. We do not know or atleast we have not been shown that the reasons adopted by the appellate authority really appear on record or they are based on the information derived by the appellate authority from some other source. Atleast the reasons recorded, as above, by the appellate authority do not find place in the order of the disciplinary authority - rather on the other hand the reasons recorded by the disciplinary authority is altogether different than the reasons recorded by the appellate authority. We are afraid, in the circumstances, that despite the fact that the alleged incident was serious, the authority failed to take action against the delinquent employee in the proper manner and, therefore, benefit has to be extended to him. We are accordingly constrained to allow this petition.

4. In the result, the petition is allowed. The impugned order is set aside. The applicant is directed to be reinstated with all consequential benefits within a period of three months hereof. There will be no order as to costs.

H. H. L.

MEMBER (A)

Dated: 7th September, 1990.

ES/

Dr. Agrawal
7.9.90.
MEMBER (C)