

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

T.A.No.979 of 1987.

Afaq HussainPetitioner/ applicant,

Versus

Union of India & othersRespondents.

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

Hon'ble Mr.K.Obayya, A.M.

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

This is a transferred case under section 29
of Administrative Tribunal Act.

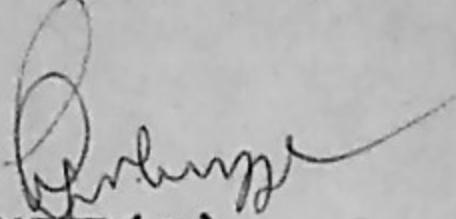
2. The applicant was working as Assistant Store
Keeper. It appears that the Officers of the department
were informed that the applicant was indulging in
unauthorised activities i.e. 'Satta Business' and
a raid was conducted by the security staff of Godown
where the applicant was posted. It was revealed that
the register was still lying on the table and the
security staff wanted to inspect the register but
the applicant resisted. The security staff summoned
the Store holders but before they could take the
register in their custody in which the applicant's
name was said to be connected with the Satta-business
and written, the applicant torn off the pages from
the register and same were taken from the drawer
of the table. He also threw a torn piece in the
rough-paper basket. The matter was reported to the
store-holder and the papers were collected. The
statement of the applicant was also recorded and
in his statement, he admitted to have torn off the
pages from the said official register. Subsequently,
the applicant was placed under suspension and there-
after a charge-sheet was served on him on 27.3.80.

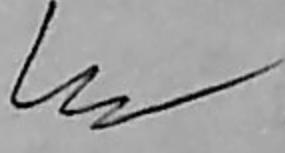
The Enquiry Officer conducted the enquiry and number of witnesses were examined and after concluding the enquiry, the Enquiry Officer submitted his report to the Disciplinary Authority and the Disciplinary Authority acting upon the Enquiry Officer's report imposed the penalty of reduction of pay by three stages to the lower stage of Rs.272/- p.m. in the time scale of pay of 260-6-290-EB-6-326-8-366-EB-8-390-10-400 with cumulative effect vide order dated 1.10.80. The suspension period upto 30.9.80 on which date it was revoked, was ordered not to be treated as spent on duty. Against the said order, the applicant filed a departmental appeal which was also dismissed on 9.12.81 and thereafter he filed a writ petition before the High Court, which by operation of law has been transferred for adjudication to this tribunal. It appears that the appellate order has also been challenged on the ground that it is a non-speaking order and it is a summary order and no opportunity was given to the applicant by the appellate authority. It appears from the record that no opportunity of hearing was given to the applicant. The Disciplinary Authority was bound to give personal hearing to the applicant and a speaking order should have been passed. In case, the applicant could have been given an opportunity of hearing, the Disciplinary Authority would have reduced the punishment. However, we would not like to express our opinion at this stage and it is still open for the Disciplinary Authority to give personal hearing to the applicant and to do the needful. Accordingly, the application is allowed and the orders of the opposite parties no.2, 3 and 4 are quashed. The appellate Authority is directed to

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dispose of the matter within a period of three months from the date of communication of this order after giving personal hearing to the applicant and shall pass a speaking order after taking into consideration the punishment so-awarded including its quantum. NO order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: SEPTEMBER 3, 1992
(ug)