

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

REGISTRATION O.A.NO. 747/87

Ashok Kumar Mishra Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A. B. Gorathi, Member(A)

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

The applicant was employed as a class IV employee in Ordnance Factory, Kanpur in the year 1969. This application has been filed against the removal order dated 18th March 1975 as well as the appellate order dated 4.1.1985 dismissing his appeal against the removal order. The applicant has stated that although he was a class IV employee but the work of Typist was being taken from him. He was not formally appointed as such. He made certain allegations against his superior authorities. On 14.1.1973 the Dy. Manager (Administration) altercated with him and he declared that either the applicant will remain in office or he. He also threatened that either the applicant will go or he will see that the applicant will be dismissed. It is not necessary to make a review of the same. The applicant was served with a charge sheet on 15th November 1973. The applicant applied for clarification to the leave account and he was supplied with a detailed leave account from the period of 14.1.1972 to 23.10.1973. The departmental enquiry took place against which the applicant raised certain objections that full opportunity to defend him was not given and he was denied reasonable opportunity.

(A3/2)
(B)

2. In the counter affidavit the assertion made by the applicant has been denied after the submission of Enquiry Officer's report the applicant was removed from service. His appeal it appears remained pending for considerable period and later on it was dismissed. We have noticed that the order passed by the Disciplinary Authority is a non-speaking order and rather it is telegraphic order and no reasons whatsoever had been given. The learned counsel for the respondents' contended that the enquiry was in accordance with rules. The findings are correct and the penalty is not adequate and appeal is time barred. Both the removal order and appellate orders were non speaking orders. With the above observation, application is allowed and both the orders dated 18.3.1975 and 4.1.1985 are quashed. It is for disciplinary authority to conduct an enquiry afresh. It will be open for the disciplinary authority to proceed with the enquiry again after providing fresh opportunity to the applicant to appear in the fresh enquiry. No order as to costs.

transcript
MEMBER(A)

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VICE CHAIRMAN

DATED: 17th May, 1991

ALLAHABAD

(ss)

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