

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 08th day of January 2002.

Original Application no. 745 of 1994.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Administrative Member

Mangal Das, S/o Nanhe Ram,  
R/o House No. 177/10 Chhidda Ka Nagla,  
Langre Ki Chauki.  
AGRA.

... Applicant

By Adv : Shri A.P. Srivastava  
Km. Sandhya Agarwal

V E R S U S

1. Union of India through Secretary,  
Ministry of Defence, Govt. of India,  
NEW DELHI.
2. Director General of EMS,  
Army Head Quarters D.H.Q.  
P.O. New Delhi.
3. Brigadier Commandant,  
Disciplinary/Appointing  
Authority. 509 Army Base Work Shop,  
Agra Cantt.

... Respondents

By Adv : Shri Amit Sthekar

...2/-



O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By means of this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 20.12.1993 by which he was dismissed from service. The applicant filed an appeal against the dismissal order which has been dismissed by order dated 07.11.1994, copy of which has been filed alongwith Misc. Appl. no. 1381 of 1999, by which the applicant also sought amendments in the OA for challenging the appellate order. Learned counsel for the applicant, submitted that the order passed by the appellate authority is short and ~~cryptic~~ and does not contain any reason, as to why the submission made by the applicant could not be accepted. It is also submitted that the alleged theft could not be established against the applicant as the allegedly stolen article <sup>was</sup> produced by him when he came back from leave of 4 days. Learned counsel for the applicant has also submitted that the punishment of dismissal from service ~~was~~ disproportionate, ~~was~~ considering the facts and circumstances of the case.

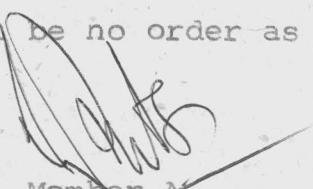
2. Shri Amit Sthalekar, learned counsel for the respondents on the other hand submitted that the charge of theft was a serious charge against the applicant and the punishment awarded was justified. However, learned counsel for the respondents could not satisfy us as to why the appellate authority could not record reasons for not accepting the submissions made on behalf of the applicant. The order of the appellate authority cannot be sustained as it violates principles of natural justice.

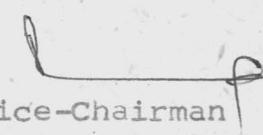
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In fact by passing such short cryptic order the right of appeal has been ~~denied~~ to the applicant. The order cannot be sustained, the appellate authority ought to have ~~been~~ considered the appeal from every angle including quantum of punishment.

3. For the reasons stated above this OA is allowed in part. The order dated 7.11.1994 passed by the appellate authority is quashed. The appeal of the applicant shall stand restored before the appellate authority and shall be decided by a reasoned order after hearing the applicant within a period of 3 months from the date copy of this order is filed.

4. There shall be no order as to costs.

  
Member-A

  
Vice-Chairman

/pc/