

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1351 of 1999

Allahabad this the 24th day of April, 2002

Hon'ble Mr.C.S. Chadha, Member (A)  
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Syraij Mal S/o Late Shri Bipti Ram, Village Narhauli,  
P.O. Aruki, Distt. Mathura(U.P.)

Applicant

By Advocate Shri M.K. Upadhyay

Versus

1. The Union of India, through the Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi.
2. The Director General of Ordnance Services, Master General of Ordnance Branch, Army Headquarters, New Delhi.
3. The Commandant, Ammunition Depot, Bharatpur.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R ( Oral )

By Hon'ble Mr.C.S. Chadha, Member (A)

In this case the simple issue to be decided is whether the punishment order passed against the applicant vide annexure A-1 dated 28.02.98 can be sustained in law. Learned counsel for the applicant has brought to our notice that the findings of the Inquiry Officer nowhere say

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as to what was the charge and what is considered to be proved. The last paragraph of the Inquiry Officer report states "After gone through all the facts and findings as per documents of the inquiry proceeding in the opinion of the court the charges framed against T No 499 Mazdoor Shri Surajmal vide charge sheet No. 4277/499/61/EST-IND dated 11.07.96 are correct and justified." In the punishment order the Col Commandant states simply that in the opinion of undersigned the applicant-Suraj Mal is not a fit person to be retained in service." No mention of the charges or the proof thereof has been made in the order. We find that both the inquiry report and the order, are not speaking orders and, therefore, cannot be sustained in law. Both are, therefore, quashed without prejudice to the alleged misdemeanour of the applicant. It shall be open for the respondents to institute a fresh inquiry and conduct the proceedings according to law. Meanwhile the applicant shall be reinstated though he shall not be entitled to ~~the~~ backwages. In case the charges levelled against him are not proved, he shall be paid the backwages. The O.A. stands disposed of accordingly. No order as to costs.

*AK*  
Member (J)

/M.M./

*B.G.B. The*  
Member (A)