

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD**

**ORIGINAL APPLICATION NO.1296 OF 2000**

ALLAHABAD THIS THE 29th DAY OF NOVEMBER 2006

**HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN  
HON'BLE MR. P.K. CHATTERJI, MEMBER-A**

Virendra Kumar Nishad, S/o Late Satti Deen, LDC/MCO,  
P.N. no. 052208 Ordnance Equipment Factory, Kanpur.

.....Applicant

(By Advocate Shri K. Mohan.)

**V E R S U S**

1. Union of India, through its Secretary, Department of Defence Production & Supplies, Ministry of Defence, New Delhi.
2. The Directorate General Ordnance Factories, Ordnance Equipment Factories, Gt. Hqrs. G.T. Road, Kanpur.
3. The General Manager, Government of India, Ministry of Defence, Ordnance Equipment Factory, Kanpur.

.....Respondents

(By Advocate: Sri S. Singh.)

**O R D E R**

**BY JUSTICE KHEM KARAN, V.C.**

The applicant prays that the orders dated 5.7.2000, 26.11.1999 and 11.6.1999 passed by the respondent nos. 1, 2 and 3 respectively be quashed and respondents be commanded not to reduce the pay scale of the applicant.



2. Admittedly, the applicant was subjected to formal disciplinary proceedings. The charge against him was that in between 7.30 A.M. to 5.30 P.M. in the factory on 1.9.1998 the applicant was found of attempting <sup>to</sup> steal a piece of cloth. He denied the charges. The enquiry was held and thereafter punishment order dated 11.6.1999 was passed, imposing penalty of reduction by three stages with cumulative effect for a period of three years. Against the said order, the applicant preferred an appeal, which was rejected and thereafter he went in Revision, that too was rejected. Now, he has come to this Tribunal.

3. Sri A.V. Srivastava holding brief of Sri K. Mohan, learned counsel for the applicant has submitted that the appellate order as well as Revisional order are totally non-speaking and so deserve to be quashed on this ground alone. Sri Srivastava has taken us through the grounds of appeal and the grounds of Revision so as to say that the several points were taken in the Appeal and the Revision, but the authorities concerned have not said even a single word about them and have not disclosed as to why the same were not acceptable.

4. Sri Saumitra Singh, learned counsel for the respondents has tried to defend these orders by saying that these are speaking one and have been passed with application of mind, so the same cannot

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be entertained on the ground as stated by Sri Srivastava.

5. We have perused the appellate order. The authority concerned has, after referring to the nature of punishment order, to fact that the appellant was employed on compassionate grounds and was to discharge several liabilities, concluded that the penalty imposed was justified and there were no merits in the appeal. It is true that the appellate authority has not dealt with the points raised in the memo of appeal, so on facts, there appears to be non-application of mind to the points placed before him by the applicant in the appeal. It does not meet the requirement of law, so deserves to be quashed. The Revisional order has to go with appeal. The position of the Revisional order is not better than that of the appellate order.

6. So, the O.A. is allowed in part. The appellate order and the Revisional orders are hereby quashed with the direction to the appellate authority to decide the appeal afresh within a period of three months from the date a certified copy of this order is produced before him. In case the applicant remains aggrieved after the disposal of the appeal, he will be free to prefer a Revision/Review against the said order as permissible under the law. No costs.

*Member*  
MEMBER-A  
GIRISH/-

*1, d.m. an*  
29.11.86  
VICE CHAIRMAN