

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.410/2002

FRIDAY, THIS THE 19TH DAY OF APRIL, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI .. VICE CHAIRMAN

HON'BLE MAJ. GEN. K.K. SRIVASTAVA .. MEMBER (A)

Balveer Bahadur,
S/o late Thumak Lal,
R/o 451/513, Chahabai,
District Bareilly.

.. Applicant

(By Advocate Shri K. Ajit)

Versus

1. Union of India, through
its Secretary,
Human Resources Department,
New Delhi.
 2. Deputy Commissioner (Personnel),
Kendriya Vidyalaya Sangathan
(Vigilance Section),
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.
 3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Region Salawala Hathibarkala,
District - Dehradun,
(Uttaranchal).
- ... Respondents

(By Advocate Shri N.P. Singh)

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman:

By this O.A. under Section 19 of the A.T. Act, the applicant has challenged the order of punishment dated 7.2.1997, by which the applicant who was serving as Upper Division Clerk in the Kendriya Vidyalaya, Ranikhet, has been reduced in rank to Lower Division Clerk. Against the aforesaid order, the applicant filed an appeal which has been dismissed on 13.2.2001, against which the applicant has come before this Tribunal.



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2. Shri K. Ajit has submitted that the appellate order is very cryptic and it does not deal with the points raised by the applicant in the memorandum of appeal. It is submitted that the applicant in his memorandum of appeal submitted that he requested for change of Inquiry Officer which was not acceded to and the applicant was compelled to get justice from a person from whom even natural justice was not expected. Thus, the constitutional right given to the applicant was violated. In regard to the submission of the applicant that the Inquiry Officer was biased, the reason stated is that the real younger brother of the Inquiry Officer Shri Laxmi Kant Sharma, who is still ~~liberation~~ ^{librarian} in Bareilly College, Bareilly, was a tenant in the house of the sister of the applicant Smt. Bimla Saxena, W/o Shri Rajendra Pal Saxena, in House No.802, Shahiliad, Bhoor, Bareilly. Laxmi Kant Sharma, the younger brother of the Inquiry Officer was involved in a criminal case under the Anti Dowry Act ^{Pro Case u} and was registered a case No.269/1992, in the Court of A.C.J.M.-II, Bareilly. Shri Rajiv Lochan Sharma, being the Inquiry Officer, was pressurising the applicant and his sister to help in the criminal case by deposing in his brother's favour. But, as they refused, they were threatened. All these facts were narrated in the application filed on 20.11.1992. If this allegation was true, the Inquiry Officer ^{could u} ~~should~~ not be allowed to continue with the proceedings against the applicant. However, neither the

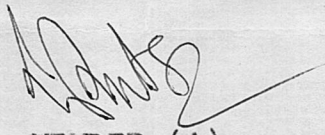
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Disciplinary Authority nor the Appellate Authority have paid any attention to it. The order of the Appellate Authority does not discuss even the broad facts of the case, evidence adduced in support of the allegations and the defence evidence adduced by the applicant. The Appellate Authority was under the obligation to reconsider the whole case and atleast on the points raised by the applicant, which has not been done in the present case.

3. In the circumstances, in our opinion, the ends of justice will be served if the Appellate order is quashed and the appeal may be directed to be decided afresh in the light of the observations made above.

4. For the reasons stated above, the O.A. is partly allowed. The order dated 13.2.2001, passed by the Appellate Authority, the Deputy Commissioner (Personnel), Kendriya Vidhyalaya Sangathan, is quashed. The appeal filed by the applicant shall stand revived and shall be considered and decided after hearing the applicant within three months by a speaking order, in the light of the observations made above. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

psp.