

Order dated 11.07.06

The Applicant seeks to challenge the punishment order dtd.25.07.03 of the Appellate Authority as also the order dtd. 4.12.03 of the Revisionary Authority in the disciplinary proceedings.

2. We have heard the Counsel appearing for both the sides.

3. Id. Counsel for the Applicant has submitted before us that the first order which was passed by the Appellate Authority on 15.07.93 was a non-speaking order which was set aside by this Tribunal in O.A.No. 727/96, vide order dtd.24.4.03, with direction to pass a reasoned and speaking order.

In spite of the said order, the Appellate Authority again passed a non-speaking order dtd.25.7.03 which was assailed by the Applicant before the Revisionary Authority who disposed vide order dtd.4.12.03 by yet another non-speaking order without considering the points raised by the Applicant.

4. After perusal of the material on record of this O.A. and also the various orders passed by the Appellate and the Revisionary Authority, we find that the orders suffer from non-application of mind and the orders in question are non-speaking even though directions were given by this Tribunal to pass a reasoned and speaking order.

5. In the circumstances, we are left with no option but to remand the matter once again to the Appellate Authority for passing

R-

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 11.7.06

Copy of Order
may be given to both counsels.

18.7.06

h
S.O. (J)

R

R

a proper reasoned and speaking order after taking into consideration the issues raised by the Applicant.

6. In this view of the matter, the order dtd. 25.07.03 of the Appellate Authority and the order dtd. 4.12.03 of the Revisionary Authority are hereby quashed and set aside with direction to the Appellate Authority to dispose of the appeal of the Applicant by a proper reasoned and speaking order.

7. The Appellate Authority shall ensure that the matter is not disposed of as has been done twice earlier. In case, we find that there is no proper application of mind, we may have to direct action to be taken against the Appellate Authority. The Appellate Authority shall dispose of the appeal within three months from the date of receipt of the order and the Respondents shall report compliance of the aforesaid order of this Tribunal after three months. The matter, accordingly, be listed on the board, for compliance only, after four months from today. The O.A., otherwise, is disposed of. With the aforesaid directions, this O.A. is allowed with no order as to costs.

8. Copies of this order duly authenticated be supplied to both the sides within three days.

Member (Admn.)

Vice-chairman