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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.185 of 2010
Cuttack this the 9th day of January, 2012

P.T.Rao Applicant
Vs
UOI & Ors.... Respondents

For the Applicant - Mr.Achintya Das, Counsel For the
Respondents-Mr.B.K.Mohapatra, Counsel (Rly.)

C O R A M
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (ADMN.)
And
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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In this Original Application filed U/s.19 of the A.T. Act, 1985 the prayer of the Applicant is to quash the charge sheet under Annexure-A/1, report of the IO under Annexure-A/3, order of the Disciplinary Authority under Annexure-A/5, order of the Appellate Authority under Annexure-A/6, order of the Revisional Authority under Annexure-A/7 and to direct the Respondents to restore his place and position and grant him all consequential and service benefits retrospectively. Respondents have filed their counter contesting the case of the Applicant.

2. At the outset it was contended by Learned Counsel for the Applicant that by availing the opportunity of statutory appeal the applicant has brought to the notice of the Appellate Authority thereafter Revisional Authority

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that the punishment imposed on him by the Disciplinary Authority vide Annexure-A/5 is not sustainable, for the grounds stated in his appeal and revision petition. The Appellate Authority so also the Revisional Authority without considering the merit of the matter with reference to the Rules rejected his appeal/revision without assigning any reason and, therefore, he has approached this Tribunal seeking the aforesaid relief.

3. After giving in-depth consideration to the points raised by the Learned Counsel for both sides, we have gone through the materials placed on record especially through the orders of the AA & RA vis-à-vis the Rules regarding the manner of disposing of the appeal of an employee preferred against an order of punishment in disciplinary proceedings and we are satisfied that the orders passed by the Appellate Authority as well as the Revisional Authority are not in accordance with Rules.

4. A duty is cast upon the Appellate Authority/Revisional Authority to consider the appeal/revision preferred by an employee against an order of punishment imposed by the Disciplinary Authority. The word 'consider' provided in the Rules, implies consideration only with 'due application of mind'. It is

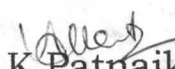
clear in terms of the Rules that the appellate authority is required to consider (1) whether the procedure laid down in the Rules has been complied with; and if not, whether such non-compliance has resulted in violation of any provisions of the constitution or in failure of justice; (2) whether the findings of the disciplinary authority are warranted by the evidence on record and (3) whether the penalty imposed is adequate and thereafter pass orders confirming, enhancing etc. the penalty or may remit back the case to the authority which imposed the same. Rule also casts a duty on the Revisional Authority to consider the relevant factors set forth in the rules.


5. There is no indication in the impugned order dismissing an appeal preferred by the Applicant against the order of punishment that the appellate authority was satisfied as to whether the procedure laid down in the rules had been complied with and if not, whether such non-compliance had resulted in violation of any of the provisions of the Constitution or in failure of justice. Further, there is no finding on the crucial question as to whether the findings of the disciplinary authority were warranted by the evidence on record and whether the penalty imposed was adequate or justified in the facts and

circumstances of the case. The order of the Appellate Authority reveals total non-application of mind. The Appellate Authority was bound to assign reasons for taking the particular decision. Unreasoned orders are no orders. We are, therefore, constrained to hold that the Appellate Authority so also the order of the Revisional Authority are not sustainable in the eyes of law and hence are liable to be set aside.

6. In view of the above, without expressing any opinion on the initiation of disciplinary proceedings and the imposition of punishment by the Disciplinary Authority, we quash the order of the Appellate Authority under Annexure-A/6 and the order of the Revisional Authority under Annexure-A/7 and remit the matter back to the Appellate Authority who should consider the appeal of the Applicant afresh with reference to the Rules and communicate his decision in a well reasoned order within a period of ninety days from the date of receipt of copy of this order.

7. With the aforesaid observation and direction this OA stands disposed of. No costs.


(A.K. Patnaik)
Member (Judl.)


(C.R. Mohapatra)
Member (Adm.),