

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. O.A. 487 of 1996.

Present : Hon'ble Dr. B. C. Sarma, MEmber (A)

Hon'ble Mr. D. Purkayastha, Member (J)

AJIT KR. SINGH

Vs.

1. Union of India, through the
General Manager, C.L.W.,
Chittaranjan - 713 331.

2. The Dy. Chief Engineer (M),
C.L.W., Chittaranjan.

... Respondents.

For applicant : Mr. B. Chatterjee, counsel.

For respondents : Mr. P.K.Arora, counsel.

heard on : 3.9.97 :: ordered on : 3.9.97.

O R D E R

B.C.Sarma, AM

The dispute raised in this application is about the order of penalty passed by the disciplinary authority dated 16.3.93 and the order of appellate authority passed on 31.1.96. In the order of the disciplinary authority, the applicant was reduced to one stage lower i.e. at Rs.762/- in the time scale of Rs.750-940/- (RS) for a period of four years with non-cumulative effect.

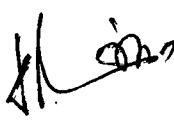
2. The case has been resisted by the respondents by filing a reply, which we have perused.

3. When the matter was taken today for hearing, Mr. B.Chatterjee, 1d counsel for the applicant, submitted that the appellate order dated 31.1.96 (annexure-A) is not sustainable since it is a cryptic order. We also find that the order of the disciplinary authority dated 16.3.93 is also cryptic because without discussing anything about the case, the defence of the applicant and also whether he had perused record or not,



the disciplinary authority straight away come to the conclusion with the sentence that "I have decided that you are responsible in the case...." We are, therefore, of the view that both the orders suffer from non-application of mind and hence they cannot be sustained in the eye of law and have to be quashed. However, Mr. P.K.Arora, 1d. counsel for the respondents, submitted that the inquiry report is very clear in which one charge was/ proved and the other charge was proved beyond doubt and therefore, benefit of doubt was given to the applicant. But we are of the view that on the basis of the submission made by Mr. Chattereje, 1d. counsel, the penalty orders cannot be upheld.

4. In view of the above, both the orders passed by the disciplinary authority as well as appellate authority are quashed and set aside. It is not clear whether any second show-cause notice was issued on the applicant. If no such notice was issued that notice should be issued to the applicant. Accordingly, the case is remanded to the disciplinary authority which shall pass orders accordingly taking ^{only} account the reply to the second show-cause submitted by the applicant and evidence recorded after coming to the clear finding whether he agrees with the inquiry report. We further direct that consequential benefits shall be given to the applicant within a period of two months from the date of communication of this order. No order is passed as regards costs.



(D. Purkayastha)

MEMBER (J)



(B. C. Sarma)

MEMBER (A)