

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.225/2001

Friday, this the 2nd day of March, 2001.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Santha Manohar,
Lower Division Clerk,
O/o the Deputy Regional Director,
National Savings Organisation,
Government of India,
Ernakulam. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Union of India represented by
the Secretary to Government of India,
Ministry of Finance,
New Delhi-110 011.
2. The Regional Director,
National Savings,
Government of India,
Trivandrum, Kerala.
3. The National Savings Commissioner,
O/o the National Savings Commissioner,
4th Floor, CGO Complex,
A Block, Seminary Hills,
Nagpur-440 006. - Respondents

By Advocate Mr Sunil Jose, ACGSC

The application having been heard on 2.3.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

This application is directed against the order dated 28.10.99(A-3) of the second respondent imposing on the applicant a penalty of reduction in pay by four stages from

Rs.4110/- to Rs.3800/- in the time scale of pay of Rs.3050-4590 for a period of 3 years with effect from 1.11.99, after giving a notice under Rule 16 of the CCS(CCA) Rules and the order passed by the third respondent in appeal dated 22.2.2000(A-5) communicated to the applicant on 2.3.2000. The applicant has raised various grounds in the O.A.

2. We have heard the learned counsel on either side. The counsel for the applicant states that the appellate order is absolutely cryptic and nonspeaking. It will be profitable to extract the reasoning of the appellate authority, contained in the penultimate paragraph of A-5:

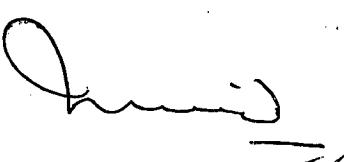
"In her appeal she has not brought out any new points which required consideration. The penalty was imposed on the basis of certain charges of misconduct and misbehaviour proved against the applicant. Discipline must necessarily be maintained in the office, for smooth functioning of the office. If the right of the superior officer is interfered, there will be lack of discipline in the office. Hence, I am of the opinion that the penalty imposed by the Disciplinary Authority is just and I do not see any reasons to reduce or interfere in the penalty imposed."

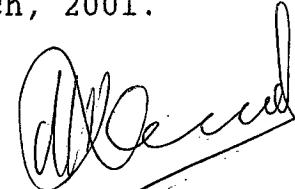
It is seen that the appellate authority has not discharged his statutory functions enjoined on it under Rule 27 of the CCS(CCA) Rules. Taking note of this aspect, the counsel for

the respondents agrees that the matter may be remitted to the appellate authority for a proper consideration and disposal of the appeal. We are also convinced that interest of justice would be met by doing so.

3. In the light of what is stated above, the application is disposed of at the admission stage itself without going into the merits, setting aside A-5 and directing the respondents to reconsider A-4 appeal submitted by the applicant against A-3 penalty order and to pass a speaking order as expeditiously as possible, at any rate, within a period of one month from the date of receipt of copy of this order. No costs.

Dated, the 2nd of March, 2001.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

trs

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-3: True copy of the Memo No.61-62/1/VIG/RD/99 dated 28.10.99 issued by the 2nd respondent to the applicant.
2. A-4: True copy of the appeal dated 19.11.99 submitted by the applicant to the 3rd respondent.
3. A-5: True copy of the Order No.3842-43/Vig/2(3)99 dated 22.2.2000 issued by the 3rd respondent to the applicant.