

**Central Administrative Tribunal  
Lucknow Bench**

OA No.399/2006

Lucknow this the 19<sup>th</sup> day of March, 2009.

**Hon'ble Mr. Shanker Raju, Member (J)**  
**Hon'ble Dr. (Mrs.) Veena Chhotray, Member (A)**

Ram Kripal Singh, aged about 49 years, son of Shri Ram Pyare, R/o 4/228, Vivek Khand, Gomti Nagar, Lucknow (lastly working as Upper Division Clerk in Passport Office, Government of India, Ministry of External Affairs, New Chetna Kendra, Ashok Marg, Hazratganj, Lucknow-226001.

-Applicant

(By Advocate Shri R.C. Singh)

**-Versus-**

1. Union of India, through the Secretary, Ministry of External Affairs, New Delhi-110001.
2. Joint Secretary (CPV) & Chief Passport Officer, Government of India, Ministry of External Affairs (C.P.V. Division), Patiala House Annexie, Tilak Marg, New Delhi.
3. Under Secretary (PV-Vig.), Government of India, Ministry of External Affairs, (C.P.V. Division), Patilala House Annexie, Tilak Marg, New Delhi.
4. Passport Officer, Government of India, Ministry of External Affairs, New Chetna Kendra, Ashok Marg, Hazratganj, Lucknow-226001.
5. Shri Vinay Srivastava, the then Passport Officer, Lucknow (presently at abroad for study leave, C/o Government of India, Ministry of External Affairs, (C.P.V. Division), Patiala House Annexie, Tilak Marg, New Delhi.

(By Advocate Shri Sunil Sharma)

**O R D E R (ORAL)**

**Mr. Shanker Raju, Member (J):**

Heard the parties.

2. In the light of the decision of the Apex Court in **Jadish Prasad Saxena v. State of Madhya Bharat**, AIR 1961 SC 1070

it is ruled that any admission, which has been taken involuntarily, under force, or coercion is not an admission worth in law to be relied upon.

3. Applicant, who assails a minor penalty in pursuance of a major penalty proceedings as well as appellate order, affirming it, raised an issue in the appeal in paragraph 12 that on 21.12.2004 the enquiry officer while formerly closing the enquiry persuaded the applicant to accept the allegation so that the enquiry is closed. The aforesaid fact has not been mentioned by the appellate authority in the grounds raised by the applicant in the appellate order dated 19.7.2006. No finding has been recorded therein.

4. On the other hand, learned counsel of the respondents vehemently opposed the contentions and stated that the admission of the applicant was voluntary, without any force or coercion. He has been rightly punished.

5. On careful consideration of the rival contentions of the parties, we are of the view that this ground raised by the applicant when not discussed and no finding has been recorded, applicant has been deprived of a reasonable opportunity, which cannot be countenanced in the wake of principles of natural justice. Accordingly, the OA is partly allowed. Appellate order is set aside. Matter is remitted back to the appellate authority to reconsider the ground raised by the applicant regarding his admission by passing a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order. The appellate authority

shall also consider the ground of non-supply of the report which is referred to in the <sup>the</sup> D-AS order after the alleged admission of the applicant before the enquiry officer. No costs.

*h h h o t r a y*

**(Dr. Veena Chhotray)**  
**Member (A)**

*S. Raju*

**(Shanker Raju)**  
**Member (J)**

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