

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No.156/89.

(4)

Shri B.G.Panda.

... Applicant.

V/s.

The Admiral Superintendant,
Naval Dockyard, Bombay.

... Respondent.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Applicant by Mr.L.M.Nerlekar.
Respondents by Mr.V.S.Masurkar.

Oral Judgment:-

(Per Shri U.C.Srivastava, Vice-Chairman, Dt. 3.9.1991.

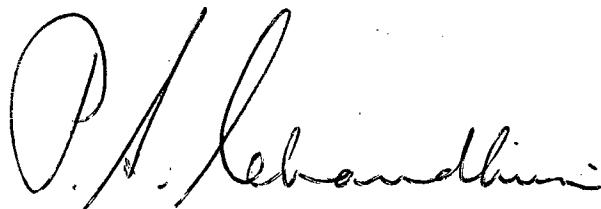
The applicant has filed this application against the punishment order of removal from service vide order dated 23.5.1988 on the ground that he has secured his employment by fraudulent means by producing fictitious School Leaving Certificate. It appears that Inquiry Proceedings took place and thereafter this order was passed. The applicant has based his claim on the ground of discrimination between himself and other employees in the matter of punishment imposed for the similar mis-conduct by the same authority by depriving him an equal opportunity in the matter of service ^{the}. It appears that apart from applicant such inquiry took place against other employees but the extreme punishment of removal was not given to them and that is why the applicant has challenged on that ground. After going through the order we find that of course the order passed by the Disciplinary Authority is a non-speaking order, inasmuch as, Disciplinary Authority has only stated that "after considering the proceedings and findings of the inquiry with which the undersigned concurs" the applicant has been found guilty of the charge of securing employment by

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(5)

fraudulent means. The Disciplinary Authority was bound to pass a speaking order, more so when it was concluding more than one case. But no reasons whatsoever were recorded by the Disciplinary Authority as to why he concurred with the Enquiry Officer ^{and} as to why the case of the applicant was distinguishable from other cases. The order being non-speaking order and a specific ground has been taken, an interference in this matter can be made and accordingly we allow this application and quash the order dt. 23.5.1988 and direct the Disciplinary Authority to pass a speaking order. However, it will be open for the applicant to prefer any representation before the Disciplinary Authority before he could pass any order.



(P.S.CHAUDHURI)
MEMBER(A)



(U.C.SRIVASTAVA)
VICE-CHAIRMAN.