

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated :

Application No. 532/87(T) /~~86~~)

W.P. No 15140/83 /

Applicant

K.V.Raju

V/s. Director General, CSIR, New Delhi & ors.

To

1. K.V.Raju,
No.21, 4th Temple Street,
15th Cross, Malleswaram,
Bangalore- 560 003.
2. Sri.A.V.Srinivas,
Advocate,
107, Gandhi Bazaar,
Basavangudi,
B'lore- 560 004.
3. The Director-General,
Council of Scientific &
Industrial Research,
Rafi Marg, New Delhi.
4. The Director,
National Aeronautical Laboratory, Kodihalli, B'lore.. 17
Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN
APPLICATION NO. 532/87(T)
5. The Secretary,
Ministry of Home Affairs,
~~Parliament House~~, North Block
New Delhi.. 110001
6. Sri.S.S.Ramdas,
Advocate ,
'Keshava Nivas',
24, Kalidasa Road,
Gandhinagar,
B'lore- 560 009.
7. Sri.M.S.Padmarajaiah,
Sr. Central Govt. Standing Counsel,
High Court Buildings,
B'lore- 560 001.

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 10-7-87.

Encl : as above.

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SECTION OFFICER
(JUDICIAL)

o/c.

16/7/87
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TENTH DAY OF JULY, 1987

Present: Hon'ble Shri Justice K.S.Puttaswamy .. Vice-Chairman

Hon'ble Shri L.H.A.Rego .. Member (A)

APPLICATION NO. 532/87(T)

K.V.Raju
No.21, 4th Temple Street,
15th Cross, Malleswaram,
Bangalore

.. Applicant

(Shri A.V.Srinivas...Advocate etc)

v.

Council of Scientific &
Industrial Research
by its Director General,
Pafli Marg, New Delhi.

The Director,
National Aeronautical Laboratory,
Kodihalli, Bangalore.

Union of India by its Secretary,
Ministry of Home Affairs,
Parliament House, New Delhi.

.. Respondents

(Shri S.S.Ramadas .. Advocate for R.1 & 2)
(Shri M.S.Padmarajaiah. Advocate for R - 3)

This application has come up before this Tribunal
today. Hon'ble Vice-Chairman made the following:-

O R D E R

This is a transferred application and is received from
the High Court of Karnataka under Section 29 of the Admini-
strative Tribunals Act, 1985.

2. At the material time the applicant was working as a
Senior Fitter Mechanic in the National Aeronautical Laboratory
(NAL) Bangalore, a constituent unit of the Council of Scientific
and Industrial Research, New Delhi (CSIR). In a disciplinary
proceeding instituted against the applicant for more than one



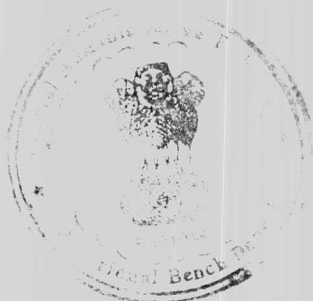
alleged misdemeanours, the Director of the NAL by his order No.39(87)/81-AI dated 25.8.1982 (Annexure R) imposed on him punishment of removal from service from 25.8.1982. Aggrieved by the same the applicant filed an appeal before the Director General of CSIR (DGCSIR) who by his order dated 3.1.1982 (Annexure S) has dismissed the same. Aggrieved by these orders the applicant approached the High Court in WP No.15142, which on transfer has been registered as A No.532/87.

3. Despite of service of transfer notice the applicant and his learned counsel are absent. We have perused the papers and heard Shri S.S.Ramdas, learned counsel for respondents 1 and 2 and Shri M.S.Padmarajaiah, Senior Central Government Standing Counsel for Respondent 3.

4. The appeal filed by the applicant before the DGCSIR was a statutory appeal. In support of his appeal the applicant had urged a large number of grounds both on questions of fact and law. But the DGCSIR dismissed the same in a brief and cryptic order which reads thus:

"I have gone through the proceedings and have considered the appeal carefully. The enquiry has been conducted in accordance with rules, and the findings of the Disciplinary Authority are warranted by the evidence on record. The penalty imposed is not severe and is adequate and uphold it in appeal".

In this order, the DG had not examined any of the material contentions urged by the applicant in support of his appeal. This itself vitiates his order. In addition to ^{this} the DGCSIR had not really examined the requirements of Rule 27 of the



Central Civil Services (Classification, Control and Appeal) Rules or its corresponding provision which is applicable to the proceedings. He had mechanically reproduced the Rule without really applying his mind to their requirements and the fact situations. We have no doubt that the order made by him suffers from every one of the infirmities noticed by the Supreme Court in Ramachandra v. Union of India AIR 1986 SC 1173 and is not a speaking order as *to the contrary &* urged by Shri Ramdas.

5. On the foregoing we have no other alternative but to quash the order of the DGCSIR and direct him to redetermine the appeal without examining all other questions, which has necessarily to be done by him at least in the first instance.

6. In the light of our above discussion we quash order No.20/28/81-Vig dated 3.1.1983 (Annexure R) of the DGCSIR and direct him to restore the appeal filed by the applicant to its original file and redetermine the same in accordance with law and the observations made by the Supreme Court in Ramachandra's Case *and this order.*

7. Application is disposed of in the above terms. But in the circumstances of the case we direct the parties to bear their own costs.



"True copy"

Sd —
VICE CHAIRMAN

Sd —
MEMBER (A)

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE