

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 033.

Dated: 15 MAR 1995

APPLICATION NO. 940 of 1994.

APPLICANTS: **Sri.R.Vijayakumar, Bangalore.**

V/S.

RESPONDENTS: **The Divisional Engineer(Phones),  
Bangalore Telecom Dist, Central Exchange(Internal)  
Bangalore and two others.**

To

1. **Sri.M.S.Anandaramu, Advocate,  
Chandrashekar Complex, No.27,  
First Main Road, First Floor,  
Gandhinagar, Bangalore-9.**
2. **Sri.G.Shanthappa, Additional Central  
Government Standing Counsel, High  
Court Building, Bangalore-560 001.**

Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on Sixth March, 1995.

Issued on  
15/3/95

o/c for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*



7.10.87 as at Annexure A6 imposing the penalty of reduction of pay by three stages with cumulative effect. This order of the Disciplinary Authority is dated 7.10.87, and it seems to have been served on the applicant soon thereafter. The applicant filed an appeal to the Divisional Engineer, who is the Appellate Authority on 6.12.93 as at Annexure A7 i.e. after a lapse of more than six years after the Disciplinary Authority had imposed the penalty. Shri Anandaramu for the applicant states that the applicant was removed from service on account of some other proceedings and he got subsequently reinstated and as such there was a delay in filing the appeal. Whatever that may be, we notice that when the appeal was filed in December, 1993, the Appellate Authority had not rejected the appeal on the ground that it was filed well beyond the normal time limit and had entertained the appeal of the applicant and had modified the penalty by reducing the penalty to reduction by two stages instead of by three stages as ordered by the Disciplinary Authority. The orders of Appellate Authority as at Annexure A8 is dated 29th January, 94. The appeal memorandum at Annexure A7 is a fairly detailed one, but the Appellate Authority had not traversed various grounds raised in the appeal, but simply stated that after going through the appeal, he had come to the conclusion that the punishment order is disproportionate and severe compared to the misconduct

of the official. Shri Anandaramu for the applicant submits that as this is a non-speaking order, it has to be quashed. He further submits that ~~as~~ the applicant was placed exparte during the inquiry and he has not been given a copy of the inquiry report, and he prays that the department may be directed to furnish a copy of enquiry report to the applicant so that after going through the same, he may take up additional grounds before the Appellate Authority as to how the non-supply of enquiry report had caused prejudice to him.

2. After hearing both sides and in the light of the facts and circumstances of the case, we hold that it is a fit case where the order of the Appellate Authority as at Annexure A8 should be quashed. <sup>67</sup> We accordingly quash the same. We also direct the department to furnish a copy of the enquiry report to the applicant within two weeks from the date of receipt of a copy of this order and the applicant within two weeks thereafter may submit a supplementary appeal confining himself to the question as to how the non-supply of enquiry report had caused prejudice to him. The Appellate Authority should dispose of the appeal dated 6.12.93 as at Annexure A7 along with additional ground relating to non-supply of enquiry report, within six weeks from the date of receipt of supplementary appeal referred to above, on merits by means of a speaking order. <sup>67</sup>

3. With the above observations, this application is finally disposed of. No cost.

Sd/-

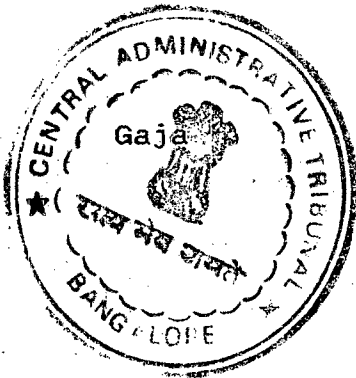
(A.N. VUJJANARADHYA)

MEMBER (J)

Sd/-

(V. RAMAKRISHNAN)

MEMBER (A)



TRUE COPY

*[Signature]*  
15/3/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore