

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

T.A. No. 640/86

Date of decision: 20.1.94

FORAN SINGH

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. P.V. Calla

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

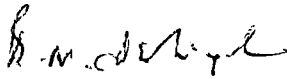
Heard the learned counsel for the parties.


2. The applicant is a retired employee. He was charge-sheeted and the Appellate Authority vide order dated 8.2.83 passed the order that the penalty imposed by the Disciplinary Authority should be reduced and decided that he may be re-instated and posted as Trains Clerk in the grade of Rs. 260-400 (R) at the lowest of the scale of Rs. 260/-. It will not be out of place to mention here that the Disciplinary Authority has not passed any speaking order and he was not justified in making the Enquiry Report as part of the order. Even the Disciplinary Authority has not considered the objections which were filed on 31.7.82 after the conclusion of the Inquiry and before the preparation of Inquiry Report. The Appellate Authority has not also discussed the objections raised by the applicant in his report submitted to the Inquiry Officer after the completion of the evidence and at the time of arguments by way of written arguments.

3. In the facts and circumstances of the case, we cannot consider the order as a speaking order passed by the Disciplinary Authority as well as by the Appellate Authority. In the result, the orders passed by the Disciplinary Authority as well as by the Appellate Authority are set aside

The respondents may, if they so choose, pass further orders according to law after hearing the parties.

4. The T.A. stands disposed of accordingly, with no order as to costs.

  
( B.N. DHOUNDIYAL )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman