

C. A. T. Bench, JAIPUR

Date of Order	Orders
13-4-94	<p>Mr. J. K. Kanshik - Counsel for applicants. Mr. V. S. Garg - Counsel for respondents</p> <p>Heard</p> <p>The O.A. has been disposed of by a separate order which has been pronounced in the open court.</p> <p>(O.P. Sharma) M(A)</p> <p>Chopra (Chopra Sharma) M(J)</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.878/92

Dt. of order: 13.4.94

Jamil Ahmed Ansari

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.J.K.Kaushik

: Counsel for applicant

Mr.V.S.Gurjar

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PER HON'BLE MR.O.P.SHARMA, MEMBER(ADM.).

Applicant Jamil Ahmed Ansari has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, praying that the charge sheet dated 5.1.89 (Annx.A-1), the order of the Disciplinary Authority dated 29.3.90 (Annx.A-2) imposing penalty of removal from service on the applicant and order dated 13.11.90 (Annx.A-3) passed by the Appellate Authority upholding the penalty of removal may be quashed and the applicant may be reinstated in service with all consequential benefits.

2. We have heard the learned counsel for the parties and have gone through the records.

3. After a charge sheet under Rule 8 of the Posts & Telegraphs Extra Departmental Agents (Conduct & Service) Rules, 1964, was served on the applicant and enquiry was held, the Disciplinary Authority imposed on him the penalty of removal from service. The Appellate Authority upheld the order of the Disciplinary Authority. A perusal of the order of the Appellate Authority shows that it has agreed with the findings of the Disciplinary Authority in the following terms: "I have studied in detail all the points raised in the appeal, the enquiry proceedings, enquiry report and connected documents, and have come to the conclusion that the charges framed against the appellant are proved and the decision taken by the Inspector Post Offices, Bundi is correct. Therefore, the appeal is rejected."

4. A perusal of the order of the Appellate Authority shows that he has not complied with the provisions contained in Rule 15 of the Rules which provide amongst others that the Appellate Authority shall consider:

"(a) whether the procedure prescribed in these rules has been complied with;

(b) whether the findings are justified; and

(c) whether the penalty imposed ~~is~~ is excessive, adequate or inadequate" and

then pass necessary order. It is a statutory requirement that the Appellate Authority has to give findings on these 3 points. A perusal of the order of the Appellate Authority shows that it has not given specific findings on these points.

5. In the circumstances, we set aside the order of the Appellate Authority. The Appellate Authority i.e. respondent No.2, shall reconsider the appeal and pass a fresh order giving specific findings on the points in Rule 15 mentioned above. The Appellate Authority should also give an opportunity of being heard to the applicant before passing a fresh order in the appeal. Necessary action shall be taken by the Appellate Authority within a period of 3 months from the date of the receipt of a copy of this order. We hereby make it clear that the order Annx.A-2 passed by the Disciplinary Authority is not being set aside by us. Other grounds raised by the applicant were not argued before u

6. The O.A. stands disposed of accordingly with no order as to costs.

(O.P.Sharma)
Member (A).

(Gopal Krishna)
Member (J).