

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/00792/2016

DATE OF ORDER: 05.12.2016

CORAM

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Kiran Jyot Singh S/o Shri Prem Jeet Singh, aged around 31 years, presently working as ECRC, Sawaimadhopur, resident of Hotel Kiran, Bhawani Mandi Road, Jhalarapatan, District Jhalawar (Rajasthan).

.....Applicant

Mr. Amit Mathur, counsel for applicant.

VERSUS

1. The Union of India through General Manager, West Central Railway, Jabalpur.
2. Senior Divisional Commercial Manager, Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. Divisional Commercial Manager, Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.

.....Respondents

Mr. Anupam Agarwal, counsel for respondents.

ORDER (Oral)

Issue notice to the respondents. Mr. Anupam Agarwal, Panel Lawyer for the Railways, accepts the notices on behalf of the respondents.

2. The applicant has assailed the disciplinary proceedings including the penalty order dated 07th December, 2015 (Annexure A/1) whereby the penalty of reduction in the time scale for a period of two years with cumulative effect has been imposed upon the applicant, and also the order dated 12th May 2016 (Annexure A/2) passed by the appellate

authority rejecting the appeal of the applicant. Apart from other grounds, one of the grounds urged in the present O.A. and argued by Mr. Amit Mathur, counsel for the applicant is that the appellate order is without recording any reasons and is a non-speaking order, which is liable to be set aside on that count itself.

3. We have perused the appellate order dated 12th May, 2016. It is one line order rejecting the appeal of the applicant on the ground that no new facts have been projected by the applicant. It is settled proposition of law that even the administrative order must contain reasons for a valid order where it effects the rights of any person. Non-disclosing any reasons deprives the person from seeking appropriate judicial or administrative remedy. The impugned order passed by the appellate authority is totally non-speaking and is liable to be set aside on that count itself. Thus, without going into the merits of the controversy and without insisting for the counter affidavit in the present case, we set aside the impugned order dated 12th May, 2016 at the admission stage itself with the direction to the appellate authority to reconsider the appeal of the applicant and take a decision thereon by passing a reasons and speaking order. Needless to say that in the event the applicant is aggrieved by the same, he shall be entitled to take remedial measures as provided under the law. Accordingly, the Original Application is disposed of.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(JUSTICE PERMOD KOHLI)
CHAIRMAN