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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00467/2014

Decided on: 22.01.2015

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mrs. Rajwant Sandhu, Member (A)**

Vikas Saini, Telecom Technical Assistant, BSNL, R/o 277 Sector 13, Hisar (Haryana)

.....**Applicant**

Versus

1. Chairman cum Managing Director, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi.
2. Chief General Manager, BSNL Circle Ambala (Haryana)
3. General Manager Telecom, BSNL, Hisar.
4. Divisional Engineer, Telecom, BSNL, Hansi, Distt. Hisar (Haryana)

.....**Respondents**

Present: Mr. S.S. Shekhawat, counsel for the applicant
Mr. D.R. Sharma, counsel for the respondents

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. The present O.A. is directed against the order dated 15.05.2010 passed by the Disciplinary Authority inflicting the punishment of reduction of pay scale by three stages upon the applicant, and the

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order dated 04.02.2014 passed by the Appellate Authority rejecting the appeal filed by the applicant.

2. The facts are not in dispute, therefore, a brief note thereof would be suffice to comprehend the issue.
3. The applicant was placed under suspension vide order dated 20.08.2008 following charge sheet dated 25.09.2008 to which he filed a reply dated 06.10.2008. He was granted an opportunity to file defence against the inquiry report dated 13.01.2010, which he availed by submitting his comments on 03.02.2010. Based upon the Inquiry report and the reply filed thereto by the applicant, the Disciplinary Authority inflicted the punishment of reduction in the pay-scale of the applicant by three stages for a period of two years with effect from 01.06.2010. Aggrieved by the order of the Disciplinary Authority, the applicant filed an appeal which was dismissed by the Appellate Authority. Hence the present O.A.
4. In support of the claim, Mr. Ajay Shekhawat, learned counsel for the applicant argued that the impugned order passed by the Appellate Authority is bad in law inasmuch as the same is non-speaking. He argued that the Appellate Authority has not applied its mind while passing the order as the points raised in the appeal have not at all been considered and dealt with therein.

5. Respondents have filed a detailed written statement wherein they supported the impugned orders. It is submitted therein that one Mr. O.P. Verma filed a complaint against the applicant alleging mis-behaviour and, therefore, a departmental inquiry was conducted to look into the matter. An Inquiry Officer was appointed who submitted Inquiry report, based thereupon the Disciplinary Authority inflicted the punishment of reduction in pay-scale by three stages for a period of two years upon the applicant which was upheld by the Appellate Authority.
6. Mr. D.R. Sharma, learned counsel for the respondents argued that the present O.A. deserves dismissal on the sole ground that the applicant has failed to show any procedural lapses or illegality in the inquiry conducted by the respondents. He, however, is not able to controvert the contention raised by the learned counsel for the applicant that the order passed by the Appellate Authority is a non-speaking one.
7. We have heard learned counsel for the parties and perused the pleadings on record.
8. A perusal of the impugned order passed by the Appellate Authority would show that the Appellate Authority has nowhere given its own independent findings on the points raised in the appeal. It

just recorded the articles of charges, findings given by the Disciplinary Authority and accepted what has been concluded by the Disciplinary Authority without discussing the grounds taken in the appeal. From this, it can safely be concluded that the order passed by the Appellate Authority is a non-speaking and depicts total lack of application of mind by the Appellate Authority, therefore, we are not persuaded to agree with the contention of the respondents supporting the order. It is settled position of law that the Appellate Authority, while deciding the appeal, should apply due application of mind to the points raised in the appeal, consider those and give reasons supporting the decision he arrived at.

9. Even in respect of administrative orders Lord Denning M.R. in **Breen v. Amalgamated Engg. Union** (1971) 1 All ER 1148, observed: "The giving of reasons is one of the fundamentals of good administration". In **Alexander Machinery (Dudley) Ltd. v. Crabtree** 1974 IC 120 (NIRC) it was observed: "Failure to give reasons amounts to denial of justice". Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The law laid down by the lordships of Honourable Supreme Court in the case of **Raj Kishore Jha versus State of Bihar & Others**, 2003 (11)SCC

519 has again be reiterated in **Ram Phal Vs. State of Haryana**, 2009 (3) SCC 258, decided on 06.02.2009 that "reason is the heartbeat of every conclusion. Without the same, it becomes lifeless".

10. In view of the discussion aforementioned, the order dated 04.02.2014 passed by the Appellate Authority is held to be non-speaking and, therefore, bad in law. The matter is remitted back to the Appellate Authority to consider afresh the appeal of the applicant in the light of what has been observed hereinabove and pass a reasoned and speaking order after affording the applicant an opportunity of hearing. The above exercise shall be carried out within a period of three months from the date of receipt of a copy of the order.

11. Disposed of accordingly. No costs.


(RAJWANT SANDHU)
MEMBER (A)


(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 22.01.2015

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