

Central Administrative Tribunal  
Principal Bench, New Delhi

**OA No. 2677/2017**

New Delhi this the 10<sup>th</sup> day of August, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman**  
**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Shri Lalit Chhabra,  
Head Clerk-Retd. (Promoted as Supdt.) Group A  
Aged about 61 years,  
S/o Sh. Kartar Chand Chhabra,  
R/o A-2050, GF, Green Field Colony,  
Near NHPC Chowk,  
Faridabad-121010

- Applicant

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Lt. Governor, Delhi  
Raj Niwas, Delhi-110054
2. The Govt. of NCT of Delhi,  
Through the Chief Secretary,  
Mini Secretariat, ITO, New Delhi
3. The South Delhi Municipal Corporation,  
Through the Commissioner,  
SDMC, 26<sup>th</sup> Floor, Civic Centre,  
JLN Marg, Minto Road,  
New Delhi-110002

- Respondents

(By Advocates: Mr. NK Singh for respondent nos. 1 and 2  
Mr. RK Jain for respondent no.3)

**O R D E R (Oral)**

**Justice Permod Kohli:**

Notice. Mr. N.K. Singh, learned counsel, accepts notice for respondent nos. 1&2 and Mr. R.K. Jain accepts for respondent no.3.

2. Keeping in view the issue involved and the grounds for challenging the impugned orders, counter is not insisted upon and

this OA is being disposed of at the admission stage itself without commenting on the merits of the same.

3. Validity of the order dated 31.05.2016 imposing penalty of 'reduction to a lower stage in the time scale of pay till his retirement with cumulative effect' upon the applicant and the order dated 25.04.2017 passed by the appellate authority reducing the aforesaid penalty to the limited extent that 'the applicant will not draw his increments during the period of reduction, but the penalty will not have any adverse effect on his pension and other retirement benefits', is challenged in the present OA. Apart from other grounds, one of the primary grounds is that both the orders are non-speaking and without any reasons.

4. We have perused the impugned orders. After giving the factual background which is only procedural in nature, the disciplinary authority has imposed the penalty without recording any reason whatsoever and even without referring to the representation of the applicant and the contents thereof and meeting the same. Even though the appellate authority has reduced the penalty, however, no reason for upholding the part of the penalty and reducing this penalty to a limited extent has been recorded. Thus, both the orders suffer from non-application of mind and are liable to be set aside.

5. In view of the above, this OA is allowed. The order dated 31.05.2016 passed by the disciplinary authority and the order dated 25.04.2017 reducing the penalty, are hereby set aside. The disciplinary authority is directed to re-examine the issue and pass a fresh speaking and reasoned order, in accordance with the requirements of law, within a period of two months from the date of receipt of copy of this order. In the event the applicant is aggrieved of

the order that may be passed by the disciplinary authority, he is at liberty to prefer an appeal in accordance with rules or any other available remedy in accordance with law. In such eventuality, the appellate authority shall pass a reasoned and speaking order.

**(K.N. Shrivastava)**  
Member (A)

**(Justice Permod Kohli)**  
Chairman

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