

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1829/2017

Thursday, this the 8th day of March 2018

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

Dr. Ram Krishna Mishra s/o late Ram Saran Mishra
r/o 109, Shakti Khand 3
Indirapuram, Ghaziabad – 201010

..Applicant

(Mr. U Srivastava, Advocate)

Versus

Union of India through

1. Secretary
D/o Higher Education
M/O HRD
Shashi Bhawan, New Delhi
2. Chairman
Commission for Scientific & Technical Terminology
West Block 7, R K Puram
New Delhi – 66
3. Under Secretary (Vigilance)
M/O HRD
Shashi Bhawan, New Delhi – 1
4. Secretary
Union Public Service Commission
Shahjahan Road, New Delhi

..Respondents

(Mr. Shalok Chandra and Mr. Ritesh Kumar Sharma, Advocates)

O R D E R (ORAL)

Justice Permod Kohli:

While issuing notice on 26.05.2017, it was observed that the impugned penalty order of dismissal is non-speaking.

2. We have heard learned counsel for the parties on this question and also perused the impugned order dated 20.02.2017. In first three

paragraphs, the disciplinary authority has only referred to the facts regarding investigation and the judgment of CBI Court. In paragraph 4, a reference is made to earlier O.A. No.4500/2013 and the order passed therein. In paragraphs 5 & 6 of the order, a reference is made to the advice of Union Public Service Commission (UPSC) and in paragraph 7, it is mentioned that the advice of UPSC has been accepted. Paragraph 8 refers to the representation filed by the applicant and finally in paragraph 9, the penalty of dismissal has been imposed.

3. From the entire order, we find that the order is totally non-speaking. Neither the issues raised by the applicant in the representation nor has the reply of the applicant to the advice of UPSC been discussed. As a matter of fact, no reasons whatsoever have been recorded imposing a penalty of dismissal. The order is not sustainable in law. It is settled law that even administrative order that adversely affects the civil rights has to be a reasoned and speaking one, which is lacking in the present case.

4. For the above reasons, this O.A. is allowed. Order dated 20.02.2017 is hereby quashed and the matter is remitted back to the disciplinary authority to pass a fresh reasoned and speaking order. In the meantime, consequences will follow.

(K.N. Shrivastava)
Member (A)

March 8, 2018
/sunil/

(Justice Permod Kohli)
Chairman