

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.3775/2017

Tuesday, this the 31st day of October 2017

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

A K Sharan, age about 62 years
(Civil Aviation Officer)
Group A
s/o late Shri M D Sharan
R/o B-22, Ist Floor, Swami Nagar
New Delhi – 110 007

..Applicant

(Mr. Amit Kumar, Advocate)

Versus

1. Union of India through its Secretary
Ministry of Civil Aviation
Rajiv Gandhi Bhawan, New Delhi – 110 003
2. Director General of Civil Aviation
Having address at
Jorbagh, Lodhi Colony,
Opposite Safdarjung Airport
New Delhi – 110 003
3. Union Public Service Commission
Through its Chairman
Dholpur House, Shahjahan Road
New Delhi – 110 069
4. Chief Vigilance Commissioner
Satarkata Bhavan, A Block
GPO Complex, INA, New Delhi
Delhi 110 023
5. Secretary, Department of Personnel & Training
North Block, Central Secretariat
New Delhi, Delhi – 110 001

..Respondents

(Mr. Piyush Gaur, Advocate on advance notice)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant is aggrieved of the order dated 21.10.2016 (Annexure A/1) whereby the penalty of withholding of 20% monthly pension, as

admissible to the applicant for a period of three years, has been imposed. The only grievance raised during the course of hearing is that the order passed by the disciplinary authority in the name of the President is a non-speaking order. Neither the grounds raised in the representations to the inquiry report and to the advice of the Union Public Service Commission (UPSC) have been discussed, nor is the order imposing penalty preceded by any reason.

2. We have carefully perused the impugned order. There is substance in the contention.

3. For these reasons, this O.A. is disposed of at the admission stage itself with the following directions:

We set aside the impugned order dated 21.10.2016 and remit the matter back to the disciplinary authority to pass a fresh order by taking into consideration the representations made by the applicant to the findings of the inquiring authority as also to the advice of the UPSC, and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

October 31, 2017
/sunil/