

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

O.A. No.4550/2017

Thursday, this the 21st day of December 2017

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

Navin Mohan Solan
s/o late Sh. R P Solan
r/o 224, MIG Flats (Green Aptt.)
Rajouri Garden, New Delhi – 110 027
Aged about 61 years
(Group A)
(Retired Superintending Engineer)

(Mr. Ajesh Luthra, Advocate)

..Applicant

1. Delhi Jal Board
Through its Chief Executive Officer
VarunAlaya, Phase II
Karol Bagh, New Delhi – 110 005

..Respondent

Versus

O R D E R (ORAL)

Justice Permod Kohli:

The applicant was served with a major penalty charge sheet vide memorandum dated 15.01.2013 (Annexure A-5). As many as 4 articles of charge were framed against him, as communicated with the memorandum of charge. A departmental inquiry was held against the applicant. The copy of the departmental inquiry having been served, the applicant submitted his response (Annexure A-7). The disciplinary authority has passed the impugned order dated 30.10.2017 (Annexure A-1) imposing penalty of 50% cut in pension for rest of his life upon the applicant. It is this order, which is under challenge in the present O.A.

2. Apart from other contentions, Mr. Ajesh Luthra, learned counsel for applicant has pointed out that the impugned order is non-speaking order and no reasons are contained therein. His further contention is that applicant's response against the inquiry report has not been considered, except making a reference and his contentions have not been taken note of.

3. Notice. Mr. P K Singh for Mr. Rajeev Kumar, learned counsel, appears and accepts notice on behalf of respondents.

4. We have carefully examined the impugned order. There is substance in the submissions of learned counsel for applicant. Under the given circumstances, we are of the considered opinion that the impugned order is not sustainable in law and thus asking the respondents to file their reply may not be of any useful purpose.

5. After hearing the learned counsel for the parties, we set aside the impugned order dated 30.10.2017 (Annexure A-1) and remit the case back to the disciplinary authority for reconsideration of the matter. The disciplinary authority will consider the response of the applicant to the report of the inquiry (Annexure A-7) and thereafter pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

December 21, 2017
/sunil/