

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTINGS:GWALIOR**

**Original Application No.202/00950/2016**

Gwalior, this Tuesday, the 23<sup>rd</sup> day of October, 2018

**HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Ram Kishore Mishra  
S/o Shri Ramlal Mishra  
Aged 55 years,  
Occupation Phone Mechanic  
O.o GMTD Gwalior  
R/o P&T Colony  
Q.No.10 Type-II  
Thatipur Gwalior (M.P.) 474011

**-Applicant**

(By Advocate –**Shri S.C. Sharma**)

**V e r s u s**

1. Union of India,  
through the Chairman/Managing Director,  
Bharat Sanchar Nigam Ltd. Corporate Office  
New Delhi 11001

2. General Manager,  
Telecom District  
Gwalior (M.P.) 474011

3. Dy. General Manager,  
Telecom District  
Gwalior (M.P.)-474011

**- Respondents**

(By Advocate –**Shri Rajendra Bhargava**)

**ORDER (ORAL)****By R. Ramanujam, AM:-**

Heard. The applicant has filed this O.A. seeking the following reliefs:-

*“8.1 That, the charge sheet contained in Annexure A/1 and whole proceedings of enquiry including report of enquiry officer may kindly be declared as illegal, in violation of rules and hence vitiated.*

*8.2 That, the impugned orders of punishment No.X-12/DGM/O&M/R.K. Mishra/07-08/case-A/77 dated 23.03.2015 contained in Annexure A/14 passed by respondent No.2, the disciplinary authority and the order No.X/GMTD GWL/RKM/Appeal/14-15/6 dated 28.11.2015 passed by respondent No.3 the appellate authority contained in Annexure A/16 may kindly be quashed.*

*8.3 That, respondent No.2 further be directed to restore the withheld increment and pay arrears thereof.*

*8.4 Suitable cost Rs.15000/- be imposed on respondents.”*

2. It is submitted that the applicant was subjected to a departmental enquiry at the conclusion of which the disciplinary authority passed Annexure A/14 order dated 23.05.2015 by which it was directed that one increment of pay of the applicant would be withheld without cumulative effect. The applicant filed Annexure A/15 appeal dated 19.06.2015 to the competent authority which was disposed of by Annexure A/16 order dated 28.11.2015 confirming the penalty of withholding of one increment of pay without cumulative effect for one year against the applicant.

3. Learned counsel for the applicant would submit that a plain reading of the order passed by the appellate authority would indicate a complete non application of mind on its part as the impugned order fails to deal with any of the contentions raised by the applicant in his Annexure A/15 appeal. It has merely been stated that after going through the memorandum of charges, penalty imposed by the disciplinary authority, representation submitted by Shri R.K. Mishra the charged officer and on objective assessment of the entire case, it is observed that the I.O. in his report put up details and facts on each charges and the same has been accepted by the disciplinary authority. Thus, appellate authority had failed to discharge its responsibility and had routinely upheld the order of disciplinary authority which is liable to be quashed and set aside, it is contended.

4. On perusal of impugned Annexure A/16 order dated 28.11.2015, we are unable to see how the appellate authority made any objective assessment of the entire case, as no details have been provided therein. Merely stating that an objective assessment was made of the entire case is not sufficient to carry conviction with the affected person. The applicant is entitled to know how the appellate authority arrived at the conclusion that the inquiry conducted against the applicant was fair and the penalty imposed was fair and

just. The order must reflect an application of mind to each of the points raised in the appeal and why the contention of the applicant would not find favour with the appellate authority.

5. In view of the above, we have no hesitation to set aside Annexure A/16 order of the appellate authority dated 28.11.2015 and remit back the case to the appellate authority for passing a fresh, reasoned and speaking order duly dealing with each of the contentions raised by the applicant in his appeal and explaining how the appellate authority has arrived at a conclusion in favour of or against such contentions. The appeal shall be disposed of within a period of three (03) months from the date of receipt of a copy of this order.

6. O.A. is disposed of in the above terms. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(R. Ramanujam)**  
**Administrative Member**

kc