

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 061/001271/2017**

**Chandigarh, this the 14<sup>th</sup> day of September , 2018**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

...

Satya Prakash Yadav son of Shri Jai Chand, aged 43 years, Post Graduate Teacher (Hindi), Jawahar Navodaya Vidyalaya, Nud, District Samba ( J & K) (Jammu).

....APPLICANT

( By Advocate: Shri V.K. Sharma, Advocate)

VERSUS

1. Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-110001 through its Chairman.
2. Joint Commissioner (Admn.), Navodaya Vidyalaya Samiti H.Q. B-15, Institutional Area, Sector 62, Noida 201307.
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Sector 31-A, Chandigarh 160030.

....RESPONDENTS

(By Advocate: Shri D.R. Sharma)

**ORDER** (Oral)

**SANJEEV KAUSHIK, MEMBER (J)**

Heard.

2. The present Original Application has been filed by applicant, challenging the impugned order dated 10.12.2015 (Annexure A-1) passed by the disciplinary authority, inflicting major punishment of reducing by two stages in the time scale of pay for four years with cumulative effect upon him and further that he will not earn

increments during the currency of penalty and it will have effect on postponing his future increments, and order dated 14.10.2016 (Annexure A-2) passed by the appellate authority, dismissing the statutory appeal filed against the impugned order.

3. Facts are not in dispute.

4. The applicant has taken various pleas for invalidation of impugned order inflicting the major punishment upon him. Mr. V.K. Sharma, learned counsel for the applicant, during the course of arguments vehemently argued that against the impugned order dated 10.12.2015 the applicant had filed a statutory appeal dated 18.01.2016 (Annexure A-9) wherein he has taken various grounds supported with judicial pronouncements for reversing the impugned order passed by the disciplinary authority. However, without considering the points raised therein the appellate authority has rejected his statutory appeal and passed the impugned order dated 14.10.2016 (Annexure A-2) which is a non-speaking order. Thus, he argued that the impugned order passed by the appellate authority be quashed being non-speaking. He further prayed that let a direction be issued to the appellate authority to reconsider the matter in the light of points raised by the applicant in his statutory appeal and thereafter pass a fresh order thereon.

5. Mr. D.R. Sharma, learned counsel for respondents is not in a position to rebut the argument raised by learned counsel for applicant qua impugned order (Annexure A-2) that it does not

contain the reasons for not accepting the appeal filed by the applicant.

6. We have given our thoughtful consideration to the above noted facts. We find that the impugned order passed by the appellate authority does not contain any reason for rejecting the contentions raised by the applicant in his appeal and as such being non-speaking is not sustainable. Accordingly, we quash the impugned order (Annexure A-2) and remit back the matter to the appellate authority to re-appreciate the contentions raised by the applicant in his appeal and thereafter pass a fresh order thereon, after dealing with the points raised by the applicant therein. We would appreciate if the appellate authority provides an opportunity of hearing to the applicant as well before deciding his appeal. Let the above exercise be carried out as expeditiously as possible as but not later than 3 months, from the date of receipt of a certified copy of this order.

7. The O.A. stands disposed of in the above terms.

**(AJANTA DAYALAN)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 14.09.2018**

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