CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1085 of 2013   Date of order : 29.2.2016

Present :   Hon'ble Ms. Bidisha Banerjee, Judicial Member
            Hon'ble Mr.P.K.Basu, Administrative Member

BHOLANATH BOSE

VS

UNION OF INDIA & ORS. (E. RY)

For the applicant   :   Mr.A.Chakraborty, counsel
                              Ms.T.Das, counsel

For the respondents   :   Mr.B.K.Roy, counsel

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Heard the ld. Counsels for the parties.

2.   Both the counsel agree and submit that the order passed by the Reviewing Authority is a non-speaking one and granted the matter can be disposed of by remanding the matter back to the Reviewing Authority.

3.   We noticed that ADRM being the reviewing Authority had enhanced the punishment of reduction of pay by three stages in time scale of pay. We noticed that the penalty that was imposed by Disciplinary Authority, the Sr. DCM, E. Rly., Howrah by his order dated 5.3.15 was as follows :

"reduction of pay by three (03) stages lower in time scale of pay for the time being period of 15 (fifteen) days with cumulative effect (CE) and with immediate effect."

4.   On 20.3.13 the ADRM in exercise of his powers under Rule 25 of the RS (D&A) Rules issued a show cause notice to the applicant proposing to enhance the penalty to the following :

"reduction of pay by three (03) stages lower in time scale of pay with cumulative effect (CE) for 03 months or till retirement whichever is earlier."

5.   The applicant who was due to retire on 31.3.13 was therefore to be penalised with a reduction of pay by three stages lower in time scale of pay with cumulative effect for 11 days of his service left but having a bearing on his

pension. Neither the show cause nor the order gave any reasons for imposing such penalty.

6.   Accordingly we quash the order dated 20.3.13 and remand back the matter to ADRM to pass his reasoned and speaking order within one month from the date of communication of this order.

7.   The OA is accordingly disposed of. No order is passed as to costs.

(P.K.BASU)   (BIDISHA BANERJEE)
MEMBER (A)   MEMBER (J)

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