

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.3074/2003

This the 3rd day of September, 2004.

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Manbir Singh S/O Vijay Singh,
ACF-II under Sr. Section Engineer/Elect/
Coaching, Northern Railway,
Delhi Sarai Rohilla, Delhi.
R/O T-5-H, Railway Colony,
Patel Nagar, New Delhi. ... Applicant

(By Shri T.D. Yadav for Shri G.D.Bhandari, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. General Manager,
North-Western Railway,
Jaipur (Rajasthan).
3. Divl. Railway Manager,
North-Western Railway,
Bikaner (Rajasthan). ... Respondents

(By Shri Rajinder Khatter, Advocate)

O R D E R (ORAL)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A) :

Applicant has challenged penalty of reduction by four stages,
i.e., from Rs.4400/- to Rs.4000/- in the pay scale of Rs.4000-6000
with cumulative effect in disciplinary proceedings against him.

2. Among other grounds, the learned counsel of the applicant contended that while the enquiry officer had totally exonerated the applicant from the charges, the disciplinary authority while disagreeing with the enquiry report has neither recorded any reasons nor has it given any show cause notice to the applicant and as such the applicant has been deprived of an opportunity to represent against the disagreement of the disciplinary authority.

3. The learned counsel of respondents could not contradict this contention raised on behalf of the applicant. While we are not dwelling upon other aspects of the case, this ground alone that the disciplinary authority had not recorded any reasons for disagreement with the enquiry report nor issued any show cause notice to the applicant in this behalf, is good enough to vitiate the proceedings, the principles of natural justice having been violated. For this, we draw support from **Yoginath D. Bagde v. State of Maharashtra**, (1999) 7 SCC 739.

4. In result, the OA is partly allowed. Impugned orders Annexure A-1 dated 8.10.2002, Annexure A-4 dated 20.12.2002 and Annexure A-6 dated 26.3.2003 are quashed and set aside with consequential effect, however, the respondents shall have liberty to resume the proceedings from the stage of availability of the enquiry officer's report. However, if this course is resorted to, the resumed

Wb

10

disciplinary proceedings shall be concluded within a period of three months from the date of communication of these orders.

S. Raju
(Shanker Raju)
Member (J)

/as/

V K Majotra
(V. K. Majotra)
Vice-Chairman (A)

3. 9. 04