

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ WP.(C).No.8019/2003

% Date of Decision : 27th March, 2006

I.S. RAJPROHITPetitioner,
! Through : Petitioner in person

versus

\$ UOI & ORS. THR.D.G.& SECY.IRespondent
^ Through : Mr. V.K. Rao, Adv.

* CORAM:
HON'BLE MR. JUSTICE MUKUL MUDGAL
HON'BLE MR. JUSTICE B.N. CHATURVEDI

1. Whether the Reporters of local papers
may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether the judgment should be No
reported in the Digest?

: MUKUL MUDGAL, J.(Oral)

1. When the matter came up for hearing the petitioner who
is present in person was asked by the Court whether he would like

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to engage an amicus curiae given by the Court. The petitioner declined the offer and he insisted upon arguing the matter in person.

2. Rule D.B. With the consent of counsel for the parties, the matter is taken up for final hearing.

3. The writ petitioner challenges the order dated 14.1.2003 dismissing OA No.282/2002 by the Central Administrative Tribunal, Principle Bench. The petitioner was initially issued a charge-memo dated 5/7.10.1999 containing two articles of charge (a) remaining absent without approval from 13.5.1998 to 19.2.1999 and (b) refusal to accept the relieving order. The inquiry officer submitted his report dated 1.7.2000 and held the first article of charge as 'proved' and second article of charge as 'not proved'. The disciplinary authority by its order dated 20th October, 2000 imposed on the applicant the punishment of compulsory retirement from service with immediate effect. The said order of compulsory retirement was challenged before the appellate authority on 3.12.2000. In the meantime, in OA No.2295/2000 there was an order of CAT directing the appellate authority to dispose of the appeal within a period of two months .

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The appellate authority by order dated 28.12.2001 reduced the punishment imposed by reverting the appellant from the post of Superintendent to the post of Junior Stenographer. The petitioner challenged the punishment of reversion by filing OA No.282/2002 resulting in the impugned order dated 14.1.2003. We have noticed the impugned judgment of the Tribunal. It has recorded every plea of the petitioner and recorded the plea of the respondent without any sufficient reasoning for rejecting the pleas of the petitioner. This is not a satisfactory manner of dealing with the pleas of the petitioner. The learned counsel for the respondent has not disputed fairly that the plea of the petitioner could have been dealt with a better by recording reasons by the Tribunal. In this view of the matter we are satisfied that the order of the Tribunal dated 14.1.2003 cannot be sustained and is accordingly set aside by the writ of certiorari. The Tribunal may consider the O.A. of the petitioner afresh by dealing with the pleas of the petitioner in an appropriate manner. Accordingly the O.A. No.282/2002 is revived. Both the parties are directed to appear before the Tribunal on 1st May, 2006. Since the matter originated in the year 2002, CAT will dispose of the O.A. filed by the

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petitioner not later than 31.12.2006. The writ petition and the pending applications stand disposed of accordingly.


(MUKUL MUDGAL)
JUDGE


(B.N.CHATURVEDI)
JUDGE

March 27, 2005
sa