
(2021) 07 CAT CK 0027

In the Central Administrative Tribunal

Case No : Original Application No. 944 Of 2014

Rajesh Gupta

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 30-07-2021

Acts Referred:

Citation : (2021) 07 CAT CK 0027

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri Member (A)

Bench : Division Bench

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J

1. The Division Bench comprising of the Honâ??ble Chairman and Honâ??ble Ms. Aradhana Johri, Member (A), heard the OA, and separate

judgments were rendered. While allowing the OA, the Honâ??ble Chairman concluded as under:

â??27. Since the order of punishment is set aside, the applicant shall be deemed to have been reinstated for the limited purpose of continuing the

disciplinary proceedings. He shall be treated to be under suspension, but without subsistence allowance, till the final order is passed by the disciplinary

authority in accordance with the steps indicated above. The exercise in this behalf shall be completed within a period of three months from the date of

receipt of this order. Depending on the outcome of the proceedings, the manner in which the period of deemed suspension and other spells are to be

treated, shall be decided by the disciplinary authority. There shall be no order as to costs.â??

2. The Honâ??ble Member (A), dismissed the OA with the following observations:

23. On the basis of the discussion above, all three grounds of this OA have no legs to stand on and the OA deserves to be dismissed and the same

is accordingly dismissed. There shall be no order as to costs.

3. In view of the difference of opinion, the matter was referred to Hon'ble Shri A. K. Bishnoi, Member (A). He framed the following issues:

a) What is the procedure to be adopted by the Disciplinary Authority in the context of disagreeing with the findings recorded by the IO?

b) Whether it is competent for the UPSC to undertake any discussion upon the findings recorded by the IO, while rendering its opinion; and

c) Whether it is not incumbent upon the disciplinary Authority to record reasons with reference to the explanation submitted by the delinquent

employee, before an order of punishment is passed,

and answered all of them in favour of the applicant. No independent directions were given. In other words, he concurred with

the findings recorded by the Hon'ble Chairman.

4. Therefore, the OA shall stand allowed with the directions contained in para 27 of the judgment of the Hon'ble Chairman.