
(2013) 06 CAL CK 0007
In the Calcutta High Court
Case No : Writ Petition No. 76 of 2012

Sumit Majumdar

APPELLANT

Vs

Coal India Ltd. and Others

RESPONDENT

Date of Decision : 25-06-2013

Acts Referred:

Citation : (2013) 3 WBLR 654

Hon'ble Judges : Indra Prasanna Mukerji, J

Bench : Single Bench

Advocate : Partha Ghosh, for the Appellant; R.N. Majumdar, Susanta Pal, P. Basu and N. Roy, for the Respondent

Final Decision : Disposed Off

Judgement

Indra Prasanna Mukerji, J.—The flaw which I initially notice in the order of the Appellate Authority dated 9th September, 2011, is that it is passed without any reasons. The ground advanced for upholding the order of the disciplinary authority is this:-

NOW THEREFORE, the undersigned, Chairman-cum-Managing Director, Coal India Limited, being the Appellate Authority, in exercise of the powers conferred by Conduct, Discipline and Appeal Rules 1978 of CIL (amended up-to 2000), after going through all the above relevant records, appeal dated 28.07.2010 of Shri Majumdar as well as observation of CMD, ECL on the instant appeal of Shri Majumdar, hereby confirms the penalty of "Reduction of pay by one stage for a period of one year without cumulative effect" awarded to Shri Majumdar.

2. This flaw goes to the root of the matter. Any adjudicator while passing an order is required to give reasons in support thereof. The reasons may not be long but they have to be adequate, so that the mental process of the adjudicator is made known.

3. For this error, which is quite fundamental, the order of the Appellate Authority dated 9th September, 2011 is set aside.

4. He is to readjudicate the appeal, de novo, giving an opportunity of hearing to all the necessary parties, keeping open all points and by a reasoned order within a period of three months from the date of communication of this order.
5. This writ application is disposed of with this order. All parties concerned to act on a signed photocopy of this order upon the usual undertakings.