

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

WRIT PETITION No.874 of 2009

ORDER:(per Hon'ble Sri Justice Ramesh Ranganathan)

Heard Sri B.Narayana Reddy, Learned Assistant Solicitor General, and Sri Siva, Learned Counsel for the first respondent and, at their request, the Writ Petition is disposed of at the stage of admission.

The first respondent invoked the jurisdiction of the Central Administrative Tribunal, Hyderabad, by way of O.A.No.1264 of 2011, questioning the order passed on 04/08.07.2011 enhancing the punishment imposed on him from reduction of pay by three stages for a period of three years three months, to that of removal from service. The Tribunal set aside the order enhancing the punishment on the ground that no reasons have been assigned for passing such an order.

Sri B.Narayana Reddy, Learned Assistant Solicitor General, would draw attention of this Court to the elaborate order passed by the revisional authority giving reasons why he considered it appropriate to enhance the punishment from reduction of three increments for three years three months to that of removal from service. It is evident from the order that the Tribunal has erred in holding that the order enhancing the punishment was passed without reasons being assigned therefor.

Sri Siva, Learned Counsel for the first respondent, would refer to the show cause notice issued earlier to contend that no reasons have been assigned therein by the revisional authority for proposing to enhance the punishment of stoppage of increments to that of dismissal from service; and in the absence of reasons, which weighed with the revisional authority in enhancing the punishment, being

referred to in the show cause notice, the first respondent has been denied the opportunity of submitting his reply thereto, and to satisfy the revisional authority that the punishment imposed earlier should not be enhanced.

It would be wholly inappropriate for us to consider this submission for the first time, in proceedings under Article 226 of the Constitution of India, as the Tribunal has not dealt with this aspect. As the Tribunal is the Court of first instance (**L.Chandra Kumar v. Union of India**^[1]), this Court would not, ordinarily, take upon itself the task of examining matters which have not been considered by the Tribunal. We consider it appropriate, in such circumstances, to set aside the order of the Tribunal, and remand the matter for its consideration afresh in accordance with law. We have no reason to doubt that the Tribunal would dispose of the O.A. with utmost expedition.

The Writ Petition stands disposed of accordingly. Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

RAMESH RANGANATHAN,J

M.SATYANARAYANA MURTHY,J

Date:19.02.2015

usd

^[1] AIR 1997 SC 1125