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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 15th September, 2015

+ W.P.(C) 8823/2015

RAM AVTAR SINGH Petitioner

Through: Ms. Lalita Kohli, Advocate

versus

THE CHAIRMAN AND MANAGING DIRECTOR, CENTRAL
WAREHOUSING CORPORATION & ANR Respondents

Through: Mr. Iftekhar Ahmed, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(O R A L)

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CM APPLN.19695/2015 (Exemption)

Allowed subject to all just exceptions.

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Petitioner is an Ex-Technical Assistant, who had served first respondent-Organization for about 16 years.

A memorandum was issued to petitioner in August, 1980 stating that 18 bags out of 143 bags of cotton seeds cakes deposited by *M/s. M.C. Navage* were found damaged. Petitioner submitted his explanation and he was charge-sheeted. The Inquiry Officer found petitioner to be guilty and penalty of removal from service was imposed upon petitioner in June, 1982. In the first round of litigation, a co-ordinate Bench of this Court

had directed respondent to provide an opportunity of hearing to petitioner and thereafter to pass a speaking order. The Disciplinary Authority vide order of 15th May, 2013 (*Annexure P-8*) had passed a speaking order maintaining the punishment imposed upon petitioner. Petitioner had preferred a Statutory Appeal under *The Central Warehousing Corporation (Staff) Regulations, 1966* against the order (*Annexure P-8*), which stands dismissed by second respondent vide order of 23rd March, 2015 (*Annexure P-11*).

Learned counsel for petitioner assails the rejection of petitioner's appeal on the ground that petitioner's appeal has been dismissed by passing a cryptic order. Attention of this Court is drawn to order (*Annexure P-11*) vide which petitioner's appeal stands dismissed. The Appellate Court's order reads as under: -

"After deliberations, the Board resolved to reject the appeal of Shri Ram Avtar Singh Ex-Technical Assistant, Central Warehouse, Nandura and authorized MD to communicate the order of the Board on its behalf.

The meeting ended with a vote of thanks to the chair."

Upon hearing and on perusal of impugned order (*Annexure P-11*) and the material on record, I find that rejection of petitioner's appeal by afore-noted cryptic order is indefensible. During the course of hearing, it was submitted by learned counsel for petitioner that the submission made before the Inquiry Officer as well as the Appellate Authority was that the Stock Register, Delivery Register, etc., ought to be seen so that it becomes clear that it is not a case of shortage of stock and that petitioner was not responsible for the damage to the stocks as he had taken all

precautions to save the stocks from rain.

Since the impugned order (*Annexure P-11*) does not deal with the stands taken by petitioner in his Appeal (*Annexure P-9*), therefore, the impugned order (*Annexure P-11*) is hereby set aside with direction to the Appellate Authority to give an effective opportunity of hearing to petitioner and to pass a speaking order.

Learned counsel for respondents submits that petitioner's Appeal would be decided within a period of six weeks from the date fixed for hearing.

Let it be so done.

With aforesaid direction, this petition is disposed of.

(SUNIL GAUR)
JUDGE

SEPTEMBER 15, 2015

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