

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2521/2001

This the 3rd day of May, 2002

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Suresh Kumar Bhola
Senior Parcel Clerk
Under Station Superintendent,
Northern Railway,
New Delhi.

(By Advocate: Mrs. Meenu Mainee)

...Applicant.

Versus

Union of India : Through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents.

(By Advocate: Sh. Rajinder Khatter)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

We have heard the learned counsel for the respondents.

2. This OA has been filed by the applicant challenging the impugned order vide which a penalty of reduction from the stage of Rs.6500/- to the stage of Rs.6050/- in grade of Rs.5000-8000/- for 4 years years with cumulative effect had been imposed upon the applicant. Applicant has taken a ground that though the enquiry officer has exonerated him but the disciplinary authority has disagreed with the conclusions arrived at by the inquiry officer and reasons for disagreement have not been communicated to the applicant but disciplinary authority has imposed a penalty upon the applicant. Since it is a case of disagreement and the reasons for disagreement has not been supplied to the applicant which shows that the applicant had been deprived of a fair opportunity to defend himself against the view taken by the disciplinary authority

km

(2) (b)

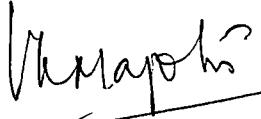
to disagree with the findings of the enquiry officer, so we find that this is a fit case which should be remanded back to the disciplinary authority.

3. Accordingly, we hereby quash the impugned orders and remand back the case to the respondents to start the enquiry from the stage of disagreement by the Disciplinary Authority. Now the disciplinary authority shall supply a copy of the disagreement note to the applicant and provide him an adequate opportunity of making a representation and personal hearing be also given thereafter pass a final order on the subject. OA stands disposed of. No costs.


(KULDIP SINGH)

Member (J)

'sd'


(V.K. MAJOTRA)

Member (A)