

Central Administrative Tribunal, Principal Bench

Original Application No. 2322 of 1995

Y New Delhi, this the 18th day of January, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Balbir Sahai  
Ex-Head Goods Clerk,  
Railway Station Rosa,  
Presently R/o Subhash Nagar,  
Gangaram Colony,  
Bareilly

- Applicant

(By Advocate - Shri B.S. Mainee)

Versus

Union of India & Ors. Thru:

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi
2. The Divl. Rly. Manager  
Northern Railway,  
Moradabad
3. The Divl. Commercial Manager,  
Northern Railway,  
Moradabad

- Respondents

(By Advocate - Shri P.S. Mahendru)

ORDER(ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman

1. Heard both sides.

2. The impugned order of the disciplinary authority which is dated 27.11.91 (Annexure A-1), was admittedly passed after the Hon'ble Supreme Court's judgement dated 20.11.90 in Mohd. Ramzan Khan's case, S.L.J. 1991(I) S.C. 196 but the respondents do not deny that a copy of the enquiry report dated 14.11.90 (Annexure A-1) was not furnished to the applicant to enable him to file any representation against the same, if any, before the Disciplinary Authority passed

*[Signature]*

(C)

his order dated 27.11.91. This ground is itself sufficient to warrant judicial interference in the disciplinary authority's aforesaid order dated 27.11.91.

3. That apart, the appellate authority's order dated August, 1992 (Annexure A-2) is also a bald and cryptic order which does not give any reasons for coming to such a conclusion and, therefore, cannot be legally sustained.

4. Under circumstances, the O.A. succeeds and is allowed to the extent that the disciplinary authority's impugned order dated 27.11.91 as well as appellate authority's order dated August, 92, are quashed and set aside.

5. Applicant should be restored the pay and allowances and retiral benefits to which he would have been entitled, had the impugned orders not been passed. As the applicant is reported to have retired on superannuation on 31.7.93, we do not consider it appropriate to remand the case back to the Disciplinary Authority for further action in accordance with law.

6. The directions contained in para 5 above should be implemented within three months from the date of receipt of a copy of this order. No costs.

*Kuldeep*  
(Kuldeep Singh)  
Member (J)

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(S.R. Adige)  
Vice Chairman (A)

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