

## CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.531/1995

New Delhi, this 22nd day of February, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Smt. Shanta Shastry, Member(A)O.P. Singh  
TTE Central Railway  
Jhansi, UP .. Applicant

(By Shri D.S.Mehandru, Advocate - not present)

versus

Union of India, through

1. Secretary  
Ministry of Railways  
Rail Bhavan, New Delhi
2. Addl. Divisional Railway Manager (T)  
Central Railway, Jhansi
3. Sr. Divisional Commercial Superintendent  
Central Railway, Jhansi .. Respondents

(By Shri V.S.R.Krishna, Advocate)

ORDER(oral)

Hon'ble Shri Justice Ashok Agarwal

An order passed by the disciplinary authority (DA, for short) on 19.12.86 imposing a penalty of reduction to time scale by 6 stages fixing the pay at Rs.260 in grade Rs.260-400 for three years cumulatively passed in the disciplinary proceedings as also the order passed by the appellate authority (AA, for short) on 11.10.94 dismissing the appeal and maintaining the aforesaid order of penalty are impugned in the present OA. The penalty imposed is at Annexure A/2.

2. The aforesaid penalty by the DA was earlier impugned by the applicant in OA No. 79/87. By an order passed on 3.8.92, the aforesaid OA was dismissed. The order of this Tribunal was carried by the applicant to the Supreme Court. The Supreme Court by an order passed on 28.3.94 remanded the case back to the AA with a

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direction to afford the applicant a reasonable opportunity of being heard. The impugned order of 11.10.94 was thereafter passed by the appellate authority, which in turn, is impugned in the present OA.

3. The short ground on which the impugned order is challenged is that the AA has failed to give a hearing to the applicant in terms of the directions contained in the order passed by the Supreme Court. The said averment has been denied by the respondents in their counter. In order to verify this contention, we passed an order on 9.2.2000 directing the respondents to produce the record in respect of the disciplinary proceedings. The same has been produced for our perusal. We now find that the applicant was invited for personal hearing alongwith with his ARE by a communication issued on 15.6.94. The applicant has availed of the aforesaid opportunity of hearing. In view of the aforesaid facts, we do not find that any exception can be made to the order now passed by the AA. The present OA, in the circumstances, is dismissed. There is, in the facts of the circumstances of the case, no order as to costs.



(Ashok Agarwal)  
Chairman



(Smt. Shanta Shastray)  
Member (A)

/gtv/