

Central Administrative Tribunal
Principal Bench, New Delhi

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O.A. No. 599/95

New Delhi, this the 4th Day of April, 1995.

HON'BLE SHRI J.P.SHARMA, MEMBER (J)
HON'BLE SHRI K.KUTHUKUMAR, MEMBER (A)

Shri S.N.Kapoor
s/o Shri B.K.Kapoor
P.W.I.,
Moradabad.

Applicant.

(By Shri D.N.Moorli, Advocate)

Versus

1. Chief Engineer,
Northern Railway Headquarters,
Baroda House,
New Delhi- 110 001.

2. Additional Divisional Railway Manager
(Shri T.S.Kalra),
Northern Railway
Moradabad.

Respondents

(By none)

ORDER (ORAL)

HON'BLE SHRI J.P.SHARMA, MEMBER (J)

In a disciplinary departmental enquiry under Railway Service (Discipline & Appeal) Rules, 1968, the applicant was imposed a punishment of WIT for one year by D.S.E. Moradabad vide order dated 21.12.1991.

It appears that the competent authority suo-moto took action and issued a notice to the applicant calling upon him to show cause in writing as to why enhanced penalty should not be imposed upon him. The applicant submitted the

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representation against the said show cause notice on 8th May, 1992. The said representation was disposed of by the competent authority vide order dated 24th September, 1993 rejecting the representation and passing an order that the punishment earlier awarded to the applicant by the G.S.E. vide order dated 21st December, 1991 of withholding WIT for one year is enhanced to WIT for three years.

3. Aggrieved by this order, the applicant preferred an appeal before the Chief Engineer, Northern Railway on 10th January, 1994 and also sent reminders thereafter. When the applicant did not get any reply, he filed this application on 27th March, 1995 and he prayed for the grant of the relief that the punishment order dated 21st December, 1991 and 24th September, 1993 be quashed and further prayed that in the circumstances of the case direct the respondent No. 1 to dispose of the appeal within a month and may pass such other and further orders as it may deem fit and proper in the circumstances of the case, and order the grant of arrears of pay with interest at 18% per annum, together with costs of this application. be awarded.

4. We have heard Shri O.N.Moorli counsel for the applicant in detail and we have pointed out that the relief prayed for is not in consonance with the prayer made in para No. 8 of the relief clause. However, the learned counsel prayed that the appeal filed by the applicant be disposed of as he had already made reminders to the competent authority for disposing of his appeal and the same has not been replied.

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5. The respondents are under statutory duty to dispose of the appeal of the applicant within specified period with whatever observation desired by the competent authority after going through the records and by detailing the reasons of disposal of the appeal in the order itself. The present application, therefore, can be disposed of without interfering with the orders of punishment with an observation to the respondents to dispose of the appeal of the applicant as expeditiously as possible if any received in their office or specific reply to the applicant regarding disposal of the appeal traceable in the office as the learned counsel for the applicant stated that the appeal was filed on 10th January, 1994, the same be disposed of by a speaking order within a period of three months from the date of receipt of this order.

6. The application is, therefore, disposed of accordingly with no order as to costs.


(K. Muthukumar)
Member (A)


(J.P. Sharma)
Member (J)

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