

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

10

C.A./T.A. No. 152/96 /19 Decided on: 4.2.97

K.S.Tyagi

..... APPLICANT(S)

(By Shri R.K. Kamal Advocate)

VERSUS

U.O.I. & Ors.

UOI & Ors. RESPONDENTS

(By Shri Rajeev Sharma Advocate)

CD RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SXXI~~/SXX./DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ? NO

S.R. Adige
(S.R. ADIGE)
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. 152/96

This the 4th the day of February 1997

(11)

HON'BLE SHRI S.R. ADIGE, MEMBER(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J).

Shri K.S.Tyagi,
Station Supdt.,
Northern Railway,
Tilrath. (U.P.)

..... Applicant

(By Advocate Shri R.K.Kamal)

Versus

1. The Secretary,
Railway Board, Rail Bhawan,
Rafi Marg,
New Delhi-1
 2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-1.
 3. The Divisional Rail Manager,
Moradabad Division,
Moradabad.(U.P.)
 4. The Senior Divisional Operating Manager,
Northern Railway,
Moradabad, Division,
Moradabad.(U.P.)
- Respondents.
(By Advocate Shri Rajeev Sharma)

JUDGEMENT

By Hon'ble Shri S.R. Adige, Member(A).

Heard.

2. Respondents counsel has fairly conceded that the Disciplinary Authority's impugned order dated January 1995(Annexure A-3) as well as the impugned appellate order dated 31.10.95 are cryptic, and give no reasons, and therefore cannot be sustained. However, we cannot agree with applicant's counsel that this

contd...2...

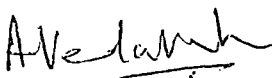
(12)


precludes the respondents ^{from} ~~for~~ passing fresh orders in accordance with law. In State of Punjab & Ors. Vs. H.S. Greasy JT 1996(5)SC 403 the Hon'ble Supreme Court has held that where enquiry procedure is found to be faulty the matter has to be remitted back to the Disciplinary Authority with a direction to follow the procedure from the stage at which fault was pointed out.

3. It has also been contended that the applicant has already undergone the punishment and stigma imposed and passing of fresh orders might mean imposing fresh punishment. The Disciplinary Authority will no doubt take this fact in view while passing fresh orders.

4. In the result the DA is allowed to the extent that the impugned orders dated Jan'95 and dt.31.10.95 are quashed and set aside on the grounds of being cryptic and non-reasoned ones, but with liberty given to the ^{disc. authority} ~~respondents~~ to pass fresh detailed, speaking and reasoned orders in accordance with law under intimation to the applicant within 3 months from the date of receipt of this order. While doing so, ^{the disc. authority} ~~respondents~~ will keep in view the punishment already undergone by the applicant.

5. The DA is disposed of accordingly. No costs.


(DR. A. VEDAVALLI)
MEMBER (J)


(S. R. ADIGE)
MEMBER (A)

RB.