

20

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1846 of 1997

New Delhi, dated this the 16 AUGUST 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri R.K. Jain,
S/o Shri Moti Ram,
Sr. Parcel Clerk, Northern Railway,
R/o K-1 /42, Budh Vihar,
New Delhi-110041. Applicant

(By Advocate: Shri Romesh Gautam)

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.

2. Sr. Divisional Commercial Manager,
Northern Railway,
D.R.M. Office,
New Delhi. Respondents

(None appeared)

ORDER

Mr. S.R. Adige, VC (A)

Applicant impugns the disciplinary authority's order dated 20.12.96 (Annexure A-1) and the appellate authority's order dated 11.4.97 (copy annexed with respondents' affidavit dated 15.4.99).

2. Applicant was proceeded against departmentally vide charge sheet dated 7.12.95 (Annexure II) on three charges, in regard to which the I.O. in his report dated 1.10.96 (Annexure III) held only one charge to be proved namely that of not maintaining J.N. Book of NRFLFF properly as per procedure on 7.5.97.

3. A copy of the I.O's report was furnished to applicant and on receipt of his representation, the disciplinary authority after considering the materials on record, accepted the I.O's findings and by impugned order dated 20.12.96 imposed the penalty of reduction in time scale from the stage of Rs.1320/- in the scale of Rs.1200-2040 (RPS) to the stage of Rs.1290/- for one year without postponing future increments. Applicant's appeal was rejected by impugned order dated 11/4/97 resulting in the present O.A.

4. We have heard applicant's counsel Shri Romesh Gautam. None appeared for respondents.

5. Shri Gautam has emphasised that applicant at the relevant time was holding two different jobs on two platforms, separated at some distance from each other, and if at all the FF Book was not properly maintained it was for the above reasons which were wholly beyond applicant's control. He has also emphasised that even if the FF Book was not maintained, no loss was caused to respondents, while the impugned penalty puts applicant to recurring loss.

6. A perusal of applicant's appeal dated 7.2.97 (Annexure IV) reveals that he had also taken these grounds on the same, but the appellate authority's order, ^{is a bad and cryptic order} which gives no reason and does not discuss the grounds taken in the appeal.

7. Respondents' own instructions enjoin that orders of the disciplinary authority/appellate

authority should be reasoned orders which display proper application of mind, and deal, however briefly, with the points taken by the delinquent in his defence. This has not been done in the impugned appellate order dated 11.4.97 and for that reason it is not sustainable.

8. Under the circumstances, without interfering with the disciplinary authority's order dated 20.12.96 at this stage, we quash and set aside the appellate authority's order dated 11/4/97 and remand the case back to appellate authority for passing a detailed and reasoned order on applicant's appeal in accordance with rules and instructions after giving him a reasonable opportunity of being heard in person within four months from the date of receipt of a copy of this order, under intimation to applicant.

9. The O.A. succeeds and is allowed to the extent contained in paragraph 5 above. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
Member (J)

/ug/

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