

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2017/97

New Delhi, this the 28th day of July, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

In the matter of:

U.D. Summi  
Assistant Station Master,  
Patel Nagar, New Delhi. .... Applicant  
(Applicant in person)

Vs.

Union of India through its  
Secretary,  
Ministry of Railway,  
Rail Bhawan,  
New Delhi.

General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

Divisional Railway Manager  
Northern Railway,  
Bikaner (Raj.). .... Respondents  
(By Advocate: Sh R.L.Dhawan)

ORDER (ORAL)

By Mrs. Lakshmi Swaminathan, Member (A)

The applicant has filed this application impugning the validity of the punishment order dated 7.5.96, imposing on him a penalty of withholding of one increment in the grade of Rs.1600-2660 for a period of one year without postponing his future increments. He had submitted an appeal against this order (Annexure-D) which has also been rejected by the appellate authority by order dated 23.7.96 (Annexure-B).

2. I have heard the applicant and Sh. R.L.Dhawan, learned counsel for respondents and perused the records.

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3. The appellate authority in his order dated 23.7.96 has dismissed the appeal submitted by the applicant, on the ground that he has not given any comments on the charges given in the charge-sheet and has<sup>he</sup> brought extraneous issues which are not relevant to the charges levelled against him. Under Rule 22 of the Railway Servants (Discipline and Appeal) Rules, 1968, a detailed procedure for consideration of the appeal has been provided which is a statutory requirement. Under this Rule, the appellate authority, while considering the appeal submitted by a Railway employee against whom a penalty has been imposed, has to follow the procedure laid down therein. He has to, inter alia, consider whether there has been non-compliance of the Rules which has resulted in violation of the Constitution of India or in the failure of justice, whether the findings of the disciplinary authority are warranted on the evidence on record and also whether the penalty imposed on him is adequate or to be enhanced<sup>etc</sup>. It is also noticed that the impugned disciplinary authority order dated 7.5.96 is a general order wherein he has stated that the applicant is held responsible but there is no reference to the evidence on record or other salient features to show the reasons as to how the conclusion has been arrived at. The appellate authority's order is also a non-speaking order.

4. Taking into account the facts and circumstances of the case and the decision of the Supreme Court in S.N. Mukherjee Vs. Union of India (1995 SLR SC 8), the impugned order dated 23.7.96 passed by the appellate authority is quashed and set aside and the case is remitted to the appellate authority to pass a fresh order on the appeal, in accordance with the provisions of law, and complying with the principles of natural

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justice. This shall be done within a period of 2 months from the date of receipt of a copy of this order with intimation to the opposite side. No order as to costs.

*Lakshmi Swaminathan*

( MRS. LAKSHMI SWAMINATHAN )  
Member (J)

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