

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.136/94

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New Delhi, this the 23rd day of July, 1999

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman (J)
Hon'ble Mr. N. Sahu, Member (Admnv)

R.S. Prasad
Relieving Station Master, N.Rly.
Permanent Resident of : H.No. 27-C
Mayur Vihar Phase-III
New Delhi-92.

....Applicant

(By Advocate: None)

Versus

Union of India - Through:

1. General Manager,
N.Rly., Baroda House,
New Delhi.

2. Divisional Railway Manager,
N.Rly., Moradabad.

....Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R (ORAL)

BY BARUAH, J.-

The applicant was ^{the} Station Master at Hardoi (Northern Railway). An article of charge was framed against him for issuing false certificate to two persons namely Shri Vijay Kumar and Shri Mahesh Chand Katiar during the period from 1981 to 1982 ^{stating} that they had worked as casual workers. The applicant was not the Station Master when the said two workers claimed to have worked at that time. The applicant issued the certificate while he had no personal interest. Besides, according to the authority, there was no record to



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show that those persons were working as casual labours. The applicant submitted his reply to the show-cause notice which was served on him along with the article of charge and statement of imputations. An enquiry was conducted and the Enquiry Officer found him guilty. He preferred an appeal and the Disciplinary Authority, on the report of the Enquiry Office, found the applicant guilty and imposed penalty of reduction of pay to the initial stage for a period of two years, with cumulative effect. Being aggrieved, the applicant preferred an appeal before the Appellate Authority. The Appellate Authority, after giving personal hearing, passed order at Annexure A-1, rejecting the appeal. Hence the present O.A.

2. We have heard Shri R.P. Aggarwal, learned counsel for the respondents. None appears for the applicant.

3. Before the appellate authority, the applicant raised various grounds as mentioned in the appeal application, however, the appellate authority without dealing with those grounds, passed the following order:-

"After taking into consideration all the points raised by the C.O. in the Personal hearing, Appeal, the findings of the E.O., acceptance of the report by the Disciplinary authority, I agree with the decision of the D.A. for reasons recorded by him.

SB

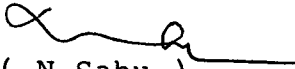
All reasonable opportunity has been given to the C.O.


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The penalty awarded is on the lower side. However, taking into consideration another penalty imposed on him (Vig/Optg/481/91), I find that the ends of justice will be met by the proposed penalty.

Appeal rejected."

4. In our opinion, the above order is not a reasoned order. No endeavour was made to meet the points raised by the applicant. Therefore, we dispose of this O.A. with a direction to the appellate authority to consider the case of the applicant and dispose of the appeal afresh, after taking into consideration all the points raised. While doing so, the appellate authority should also consider whether the allegations were proved before the Enquiry Officer and, thereafter, pass a reasoned order. This must be done as early as possible within a period of three months from the date of receipt of a copy of this order.


(N.Sahu)
Member(Admnv)


(D.N. Baruah)
Vice Chairman(J)

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