

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1397/94

New Delhi, this the 3rd day of December, 1998.

Hon'ble Mr. K. Muthukumar, Member (A)
Hon'ble Mr. J.S. Dhaliwal, Member(J)

Shri Gyani,
S/o Shri Shobha,
Ex. Substitute Loco Cleaner
under Loco Foreman,
Northern Railway,
Bareilly

...Applicant

(By Advocate Shri B.S. Mainee)

-Versus-

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Moradabad.

...Respondents

(None for the respondents)

O R D E R (ORAL)

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A):

None appeared for the respondents even on the second call. Therefore, We have heard the learned counsel for the applicant.

2. This is the second round of litigation. By a judgement in OA-1721/92, respondents were directed to decide the appeal afresh after giving an opportunity to the applicant and it was also directed that the appellate authority while disposing of the appeal should give detailed reasons in support of the order. Thereafter the appellate authority has passed the following order:

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"In view of the decision of CAT I have now given personal hearing to Co. alongwith the defence helper on 20.12.93.

I have thereafter gone through the entire case once again.

Having done above, I conclude that the case has been dealt as per the rules and at no stage the natural justice has been denied to Co. In my view the punishment imposed by disciplinary authority is adequate and not certainly heavy.

I, therefore, reject the appeal."

3. We find that the appellate authority has not improved on his earlier order which was not accepted by this Tribunal and he was directed to pass a fresh speaking order with the detailed reasons. We find that the appellate authority has simply stated that he had gone through the entire case and had come to the conclusion that at no stage natural justice has been denied to him and, therefore, the punishment was considered adequate and not certainly heavy. We are of the view that this appellate order also suffers from the same infirmity as the previous order. The learned counsel for the applicant has brought to our notice that in a similar case (OA No.2610/93) this Tribunal has quashed the impugned order. We respectfully agree with the observations of the Bench mentioned therein.

4. In the light of this we quash the impugned orders at Annexures A-1 and A-2 and allow the application with cost which we fix at Rs.1,000/- (Rupees one thousand only). The respondents are

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directed to take the consequential action within one month from the date of receipt of a copy of this order.

(J.S. DHALIWAL)
Member (J)

(K. MUTHUKUMAR)
Member (A)

The learned counsel for the respondents Shri K.K. Patel appeared later.

(J.S. DHALIWAL)
Member (J)

(K. MUTHUKUMAR)
Member (A)

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