

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. NO. 1548 of 1994

New Delhi this the 19th day of July, 1999

HON'BLE MR. JUSTICE D.N. BARUAH, VICE CHAIRMAN
HON'BLE MR. N. SAHU, MEMBER (A)

Shri Jagdish Ramchandani
S/o Shri Virumal
R/o 2/46, Old Rajinder Nagar,
New Delhi.

..Applicant

By Advocate Shri S.K. Sawhney.

Versus

1. Union of India through
General Manager,
Northern Railway,
New Delhi.
2. Chief Commercial Manager 'G',
Northern Railway,
Baroda House,
New Delhi.
3. Divisional Railway Manager,
Northern Railway,
D.R.M. Office,
New Delhi.

..Respondents

By Advocate Shri R.L. Dhawan.

ORDER (ORAL)

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman

In this application the applicant has challenged Annexure A-7 order dated 20.8.90 passed by the Disciplinary Authority imposing penalty of reduction in pay with immediate effect from the stage of Rs.1320/- in the scale of Rs.1200-2040 to the stage of Rs.1260/- for one year, Annexure A-2, appellate order dated 6.3.92 and Annexure A-1 order dated 18.8.93 passed by the revisional authority, the DRM.

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2. The facts for the disposal of this case may be narrated as follows:-

Article of charge along with the statements of imputation were served on the applicant asking him to show cause why the disciplinary action should not be taken. The applicant duly submitted his reply to the show cause notice. However, the Disciplinary Authority not being satisfied with the reply, held an enquiry by appointing an Enquiry Officer. The Enquiry Officer thereafter submitted his report to the disciplinary authority holding him guilty of the charge. The disciplinary authority agreeing with the findings and conclusions, held that the charge is proved. Being aggrieved, the applicant preferred an appeal to the appellate authority. The appellate authority by Annexure A-1 order disposed of the appeal as follows:-

"I have gone through the appeal of the appellant and find that no cogent grounds have been raised to entertain the appeal, hence the appeal is dismissed".

Being further aggrieved, the applicant submitted a revision petition to the revisional authority. The revisional authority also dismissed the revision by Annexure A-2 dated 6.3.92. Hence the present application.

3. We have heard Shri S.K. Sawhney, the learned counsel for the applicant and Shri R.L. Dhawan, learned counsel for the respondents.

4. The sole contention of Shri Sawhney is that the appellate order as well as the revisional order are non-speaking orders. Shri Sawhney further challenges Annexure A-1 and Annexure A-2 on the ground that many points raised by the applicant in the appeal as well as the revision were not touched upon. We have perused the orders. In this connection Shri Sawhney has drawn our attention to the Annexure A-12 appeal at page 52 by pointing out that the points raised in that appeal had not been answered to by the appellate orders as well as the revisional order. We find force in the contention of Shri Sawhney. Accordingly, we set aside both Annexure A-1 and Annexure A-2 the appellate as well as the revisional orders and send the matter to the appellate authority to consider and dispose of the appeal by a reasoned order meeting all the points raised by the applicant. This should be done as early as possible at any rate not later than 3 months from the date of receipt of a copy of this order.

In the facts and circumstances of the case, we make no order as to costs.


(N. SAHU)
MEMBER (A)


(D.N. BARUAH)
VICE CHAIRMAN(J)

Rakesh