

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.2105 of 2000

New Delhi, this 21st day of May,2001

HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SHRI M.P.SINGH, MEMBER(A)

Nanak Chand
Technician Gr.I
under Senior Sectional Engineer(C&W)
Northern Railway
Aligarh
... Applicant
(By Advocate:Shri B.S.Mainee)

versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House
New Delhi

2. The Divisional Railway Manager
Northern Railway
Allahabad
... Respondents
(By Advocate:Shri Rajender Khattar)

ORDER(oral)

Shri Kuldip Singh,M(J)

The applicant has impugned order dated 17.9.1999 (Annexure A-1) passed by Assistant Mechanical Engineer,Northern Railway,Tundla, by which the salary of the applicant has been reduced as well as order dated 15.1.2000 (Annexure A-2) passed by Divisional Mechanical Engineer,Northern Railway,Allahabad,whereby his appeal has been rejected.

2. The main grounds of assailing the aforesaid orders are that both these orders have been passed without application of mind and the orders

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are non-speaking and non-reasoned. The learned counsel for the applicant alleges that neither the disciplinary authority, while passing the order of penalty, has applied its mind nor the order is well-reasoned and speaking one. Similarly, the appellate authority also failed to apply its mind and without assigning any reason, passed an one sentence order rejecting the appeal of the applicant whereas the departmental instructions issued vide O.M. No.134/1/81-AVD-I dated 13.7.1981 emphasize the need to pass self-contained, speaking and reasoned orders while passing final orders in disciplinary cases so that the right to appeal of the delinquent official is not jeopardised. While issuing the instructions, the Railway Board has relied on the judgement of the Hon'ble Supreme Court in Mahavir Prasad Vs State of U.P. (AIR 1970 SC.1302).

3. In view of the aforesaid instructions, we find that both the impugned orders dated 17.9.1999 and 15.1.2000 cannot ^{be} ~~sustained~~ in the eyes of law and are thus liable to be quashed. We do so accordingly and remand the case to the respondents with the direction to proceed afresh in the matter in accordance with the instructions. We also direct that the pay of the applicant shall be restored.

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4. The other submissions have not been considered.

5. The OA is disposed of as above. No order as to costs.

M.P.S.
(M.P.Singh)

Member(A)

K.S.
(Kuldip Singh)

Member(J)

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