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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 263/89

NEW DELHI THE 25TH DAY OF MARCH, 1994.

HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)  
HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

Shri K.K.Saroj  
S/o Shri Baba Din  
Booking Supervisor  
Northern Railway  
Rohtak(Haryana) ... APPLICANT

BY ADVOCATE SHRI B.S.MAINEE.

VS.

Union of India through

1.The General Manager  
Northern Railway  
Baroda House  
New Delhi.

2.The Divisional Railway Manager  
Northern Railway  
State Entry Road,  
New Delhi. ... RESPONDENTS

BY ADVOCATE SHRI B.K.AGARWAL

ORDER(ORAL)

JUSTICE S.K.DHAON:

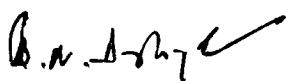
For initiating disciplinary proceedings to award a minor punishment to the applicant, a memorandum was served upon him on 17.1.1987. This memorandum clearly refers to Rule 11 of the Railway Servants(Discipline & Appeal) Rules, 1968(the Rules). The disciplinary authority awarded a minor punishment to the applicant. It directed that one increment of the applicant shall be withheld. In appeal, the applicant remained unsuccessful. Both the orders are being impugned in the present OA.

2. For one reason or the other, the applicant failed to file his reply to the memorandum within the time specified. The disciplinary authority passed the order. The basis of the order was that since the applicant failed to file a reply, he was proceeding to pass the order of punishment.

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3. We have read and re-read the order of the disciplinary authority. We find that it has not cared to give any reason whatsoever for coming to the conclusion that the case of the applicant deserves punishment. The order of the appellate authority also suffers from the same infirmity. It has also failed to perform its statutory duty of coming to its own conclusion. The applicant went up in revision which was dismissed on 16.2.1988. In this order too, no reasons are recorded. Neither of the three orders is sustainable. They are accordingly quashed. The disciplinary authority will be at liberty to pass a fresh order. Since considerable time has elapsed, we consider it expedient in the interest of justice that the applicant shall be given a fresh opportunity to file his reply to the memorandum of charges.

4. There shall be no order as to costs.

  
(B.N.DHOUNDIYAL)  
MEMBER(A)

  
(S.K.DHAON)  
VICE-CHAIRMAN(J)

SNS