

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.1897/88

Dated this the 7th of September, 1994.

Shri C.J. Roy, Hon. Member (J)

Shri P.T. Thiruvengadam, Hon. Member (A)

Shri Ram Singh
S/i Shri Banwari,
Wash ^{ext} Khallasi,
Railway Quarter No.140/1,
M.G. Loco Shed Colony,
Delhi Kishan Ganj,
Delhi 110 006.

...Applicant

By Advocate: None

versus

Union of India through

1. The General Manager,
Northern Railway,
New Delhi.
2. The Divisional Rail Manager,
Divisional Office,
Northern Railway,
Bikaner (N.Rly.).
3. The D.M.E. (Loco) - I,
Divisional Office,
Northern Railway,
Bikaner (N.Rly.)

...Respondents

By Advocate: Shri Romesh Gautam.

O R D E R (Oral)

By Shri P.T. Thiruvengadam.

This is a part heard matter. Neither the applicant nor his counsel is present though called twice. In the circumstances, we proceed to dispose of this matter, after hearing the learned counsel for the respondents Shri Romesh Gautam and perusing the documents on record under Section 15 of the Central Administrative Tribunal's Act, 1985, and do so accordingly.

...2...

(B)

2. The applicant was working as a Khalasi at Loco Shed Delhi Sarai Rohilla. He was issued with a charge sheet on 18.6.87, which culminated in the order of punishment dated 16.10.87. As per these orders, the applicant was removed from service with immediate effect. In the enquiry conducted, the Enquiry Officer arrived at a conclusion that the charges mentioned in the charge sheet had been accepted by the accused. He had mentioned that the applicant had given in writing that he did not want any enquiry in the said case and accepted his guilt in the presence of Shri Mahesh Chand, Sr.Clerk and Shri Narender Singh, Washout Khalasi.

3. Subsequently, the applicant submitted an appeal, a copy of which has been produced as Annexure-J to the application. In this appeal, he has retracted from his earlier confession and taken a stand that he being an illiterate employee, was not aware of the statement, on which, he was signing. This appeal has been disposed of on 19.1.88 by way of a printed format, in which it has been stated that the applicant was given a personal interview on 12.1.88 along with Shri Mehar Chand, Loco Foreman. It has also been added that the applicant after getting drunk had created disturbance in the work and hence the removal is appropriate. This OA has been filed with the prayer for quashing the order of removal and the appellate order.

4. The main ground advanced in the application is that the confession statement is not owned by the applicant. It is admitted by the respondents

that this ground has been advanced in the appeal submitted by the applicant. However, we note that the disposal of the appeal has been made in a mechanical way without meeting the grounds raised. It is an established position that the appeal should be properly disposed of with a speaking order after application of mind. Accordingly, we direct the appellate authority to reconsider the appeal of the applicant with reference to the order of punishment and the appeal ^{submitted} submitted and pass a fresh and appropriate speaking order within a period of three months from the date of receipt of a copy of this order.

5. The appeal dated 19.1.80 is hereby set aside and quashed. The OA is disposed of on the above lines. No costs.

J. J. Roy
(P.T. THIRUVENGADAM)
MEMBER(A)

(C.J. Roy)
(C.J. ROY)
MEMBER(J)

/kam/