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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1329 198 7
T.A. No.

DATE OF DECISION 12.10.87

Shri Lokesh Kumar

Applicant
~~XXXXXX~~
Petitioner

Shri B. S. Charya,

Applicant
Advocate for the Petitioner(s)

Versus

General Manager, Northern Railway Respondent

Shri O. N. Moolri,

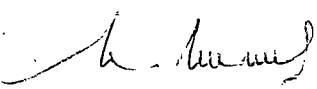
Advocate for the Respondent(s)

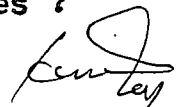
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member
12.10.87


(K. Madhava Reddy)
Chairman
12.10.87

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Central Administrative Tribunal
Principal Bench, Delhi.

Date of decision: 12.10.87

OA No. 1329/87

Shri Lokesh Kumar Applicant

Vs.

General Manager,
Northern Railway Respondent

Coram: Hon'ble Mr. Justice K.Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant Shri B.S.Charya, Counsel

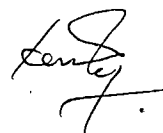
For the Respondent Shir O.N.Moolri, Counsel

(Judgement of the Bench delivered by Hon'ble Mr.
Justice K.Madhava Reddy, Chairman)

This is an application calling in question the order of removal dated 23.3.1985 and the order dated 28.1.87 rejecting the appeal of the applicant. The Appellate Order is a cryptic order and is in the following words :


" C.C.S. has considered the issues raised by you in your appeal dated 23.5.85 and has rejected the same".

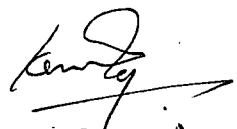
2. When Disciplinary Proceedings are initiated against a person and order of removal is made after inquiry, the Appellate Authority has to consider whether the charges were properly framed, whether there is evidence in support of the charges, whether the charges are fully proved, whether the penalty imposed is proper and whether it suffers from any infirmity. The Appellate Authority has to make a speaking order

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after considering all the objections raised against the order of removal. The impugned order does not disclose why the Appellate Authority has rejected the several contentions raised by the appellant. On this short ground we allow this application, quash the order of the Appellate Authority and direct the Appellate Authority to dispose off the appeal afresh after considering all the grounds raised in the memorandum of appeal. The applicant is also permitted to raise the grounds which he has raised in paragraphs (a) to (t) of the application by way of an application before the Appellate Authority within two weeks of the receipt of this order and the Appellate Authority shall dispose off the appeal after considering all the grounds within a period of three months from the date of receipt of this order.

3. This application is allowed with no order as to costs.


(Kaushal Kumar)
Member
12.10.87


(K. Madhava Reddy)
Chairman
12.10.87