

(13)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 623 of 1997

Allahabad this the 26th day of August, 2003

Hon'ble Mr. Justice R.R.K.Trivedi, V.C.  
Hon'ble Mr. D.R. Tiwari, Member ( A )

Malkhan Singh S/o Tikam Singh,  
r/o Sasui P.O.K.G.W. Sasui Distt. Aligarh.

Applicant.

By Advocate Shri S.K.Dey & Shri  
Shri S.K.Mishra.

Versus

1. Union of India through the General Manager,  
N. Rly. Baroda House New Delhi.
2. The Senior Division Operating Manager (P)  
N. Railway. Allahabad.
3. The Divisional Operating Manager (P)  
N. Railway, Allahabad.

Respondents.

By Advocate : Shri A.V.Srivastava

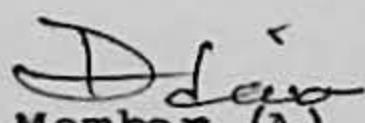
O R D E R ( Oral )

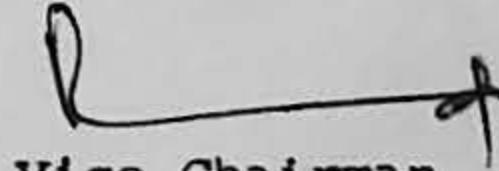
By Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

This O.A. under Section 19 of the  
Administrative Tribunals Act, 1985, has been  
filed ————— against the order dated 12.12.96  
by which the applicant was punished by reduction  
to lower grade of Assistant Station Master in  
the scale of Rs.1200-2040 and pay was fixed at  
Rs.1200/- for a period of 4 years without post-  
poning further increments. The order was passed  
on conclusion of disciplinary proceedings. Against

:: 2. ::

the aforesaid order, the applicant filed an appeal, which was dismissed on 19.03.97. Counsel for the applicant has submitted that the appeal of the applicant has been rejected by a ~~cryptic~~ order. It is further submitted that the order is not a reasoned one and is violative of principle of natural justice, and infact the applicant has been denied the right of appeal. We have perused the appellate order and find force in the submission of counsel for the applicant. The ~~order of~~ appellate authority has not discussed the charge against the applicant and his defence. He has also not mentioned how the charge has been proved against the applicant. In our <sup>view</sup> opinion, the ends of justice require ~~that~~ that the appellate order may be set aside and the matter may be sent back to the appellate authority for deciding afresh. The O.A. is allowed in part. The appellate order dated 19.03.97 is quashed. Appeal of the applicant shall <sup>be</sup> ~~be~~ revived, before the appellate authority, which shall be decided by a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order. No order as to costs.

  
Member (A)

  
Vice Chairman

/M.M./