

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

(1)

Original Application No.367 of 1998.

Allahabad this the 20th day of May 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. S.K. Hajra, A.M.

Shri R.N. Mukherji
aged about 58 years,
son of late Shri A.P. Mukherji,
Resident of 112, MIG, Kalindiapuram,
District Allahabad.

.....Applicant.

(By Advocate : Sri R.P. Singh/
Sri A.K. Sinha)

Versus.

1. The Union of India,
through General Manager
Railway Electrification, Allahabad.
2. Shri R. Subramaniam,
The Deputy Director Vigilance (A&P),
Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Chief Personnel Officer,
Railway Electrification, Allahabad.

.....Respondents.

(By Advocate : Sri P Mathur)

O_R_D_E_R

(By Hon'ble Mr. Justice S.R. Singh V.C.)

Heard Sri A.K. Sinha learned counsel for the applicant
Sri P Mathur learned counsel for the respondents and perused
the pleadings.

2. By order dated 20.11.1997, the applicant was visited
with the following penalty:-

"Shri R.N. Mukherjee's pay is reduced by one stage
in the time scale of pay for a period of 45 days
w.e.f. 17.11.1997 to 31.12.1997. His pay will be
restored to normal w.e.f. 01.01.1998".

The appeal preferred against the said order of
punishment came to be dismissed in terms of following order:



(2)

"I have gone through the entire case, the Inquiry proceedings and the punishment imposed by the Disciplinary Authority. I confirm the punishment imposed by O.A."

3. The afore extracted order passed by the Appellate Authority was communicated to the applicant vide letter dated 08.12.1997. It has been submitted by the learned counsel for the applicant that the appellate order is not in conformity with the requirement of Rule 22 (2) of the Railway Servants (Discipline & Appeal) Rules, 1968. The Rule aforesaid enjoins the duty on Appellate Authority to consider the points raised in the memo of appeal vis-a-vis to the factors formulated in Clause (a) to (c) of Sub Rule (2) of Rule 22 of the aforesaid Rules. Since the appellate order is not in conformity with the mandatory provisions of Rule 22 (2), the same is liable to be set aside and matter remitted back to the appellate authority for decision of the appeal afresh in accordance with the Rules. It is, therefore, not necessary to go into the legality or otherwise of the order passed by the Disciplinary Authority.

4. Accordingly, the O.A. succeeds and is allowed in part. The Appellate order as communicated to the applicant vide letter dated 08.12.1997 is set aside. Appellate Authority is directed to decide the appeal of the applicant afresh in accordance with law by means of a reasoned order after proper appreciation and self direction to the points raised by the applicant in the memo of appeal vis-a-vis the provision contained in Rule 22 (2) of the Railway Servants (Discipline & Appeal) Rules, 1968 within a period of four months from the date of receipt of a copy of this order.

No costs.

Sarif Khan
Member-A.

Bag
Vice-Chairman.

Manish/-