

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 11th day of May 2001.

Original Application no. 987 of 1998.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

Hon'ble Maj Gen K.K. Srivastava, Administrative Member

Raj Bans , S/o S.P. Singh,  
R/o Kale Mohal, P.O. Moghal sarai,  
Varanasi.

... Applicant

C/A Shri S.K. Dey


Versus

1. Union of India through the General Manager,  
E. Rly, Calcutta -1.
2. The Add. Divisional Rly., Manager,  
E. Rly. Moghaslarai,  
Varanasi.
3. The Senior Divisional Operating Manager,  
E. Rly., Moghalsarai,  
Varanasi.

... Respondents

C/Rs Sri K.P. Singh

...2/-





O R D E R (Oral)

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

By means of this OA the applicant has challenged the order dated 26.6.1997 by which, the applicant was punished by reducing him to the lowest grade i.e. from 1200-2040. Punishment awarded was on account of absence from duty of the applicant from 1.10.1994 to 29.5.1995. The <sup>appeal</sup> ~~appellate order~~ was dismissed by order dated 1.5.1998 by following orders :-

"I have gone through the case. Your above quoted appeal was put up before the undersigned and after careful consideration observed as under :-

"I have gone through the case. The staff has already retired on 31.7.1997 and as per rule no fresh punishment can be given after retirement. The punishment already given stands good."

2. From the aforesaid order it is clear that appellate authority has not considered the defence of the applicant, evidence <sup>adduced</sup> ~~adduced~~ against him during inquiry and as to whether the charge of misconduct could be <sup>treated</sup> ~~proved~~ against him the applicant. It is noticable that finding returned by inquiry officer was that the absence of the applicant was not without information. He had informed about his sickness to the authorities on account of which he could not join at transferred place. <sup>It appears that</sup> ~~In our opinion~~ the appellate authority has <sup>illegally gone by</sup> ~~known~~ the fact that the applicant had <sup>retired</sup> ~~retired~~ from service, hence, his appeal is <sup>not</sup> ~~is~~ required to <sup>be</sup> ~~decided~~ on merits. In our opinion



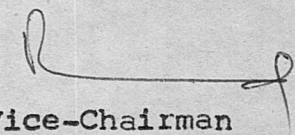
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ends of justice requires<sup>du</sup> that this<sup>du</sup> appellate order may be quashed and the appellate authority may be directed to hear<sup>du</sup> ~~his~~<sup>the</sup> appeal again and decide afresh in accordance with law.

3. For the reasons stated above, this OA is partly allowed. Appellate order dated 1.5.1998 (annexure 7) is quashed. The appellate authority shall consider and decide the appeal of the applicant by detailed and reasoned order within a period of 3 months from the date of copy of this order is filed before him.

4. No order as to costs.

  
Member-A

  
Vice-Chairman

/pc/