

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 04th day of November, 2003.

Original Application No. 1013 of 1998.

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Hon'ble Mr. A.K. Bhatnagar, Member- J.

Munni Lal S/o Sri Kanahayee Lal
R/o Vill. Basani, Dallupur, Post- Basani, Distt. Varanasi.
Posted as Loco Cleaner Porter, Rajatalab Station,
North Eastern Railway, Varanasi.

.....Applicant

Counsel for the applican :- Sri V.K. Srivastava

V E R S U S

1. Union of India through its General Manager,
Gorakhpur, N.E. Rly. Gorakhpur.
2. Divisional Railway Manager, N.E. Rly., (Parichalan),
Varanasi.
3. Assistant Parichalan Sanchalan, North Eastern Rly.,
Varanasi.
4. Security Officer, N.E. Rly., Varanasi.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

By Hon'ble Maj. Gen. K.K. Srivastava, Member- A.

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the removal order dated 01.06.1994 (annexure-6), Appellate order dated 08.09.1997 (annexure-8) and order dated 15.07.1998 passed by Revisionary Authority (annexure- 9).

2. The case of the applicant is that he was working in the respondent's establishment as Line Cleaner Porter. He was served with memo of charge dated 03.03.1992. After completion of disciplinary proceedings, punishment order was passed

which was challenged by filing appeal which has also been rejected as time barred and on the same ground the Revisionary Authority has rejected the revision appeal.

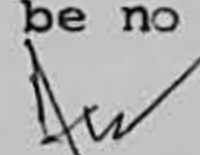
3. We have heard counsel for the parties and perused record


4. Admittedly the applicant has been removed from service vide punishment order dated 01.06.1994. The applicant has filed a copy of appeal dated 27.06.1994 (annexure- 7). The applicant has also filed photo copy of postal receipt dated 27.06.1994 through which his appeal dt.26.06.1994 was sent as annexure-1 to the M.A No. 5938/99. We have carefully perused the appellate order dated 06/08.09.1997 in which the appellate authority has stated that the applicant has filed his appeal on 26.02.1997 i.e. after lapse of three years and, therefore, he rejected the appeal filed by the applicant. Having perused the appeal of the applicant dated 27.06.1994 (annexure- 7), it appears that when the applicant did not get the decision on his appeal, he filed another appeal which could be in the nature of ^{representation} ~~agitation~~.

5. Since, we are convinced that the applicant had filed the appeal against punishment order dated 01.06.1994, the appellate authority should decide the same by a reasoned and speaking order within a specified time. The appellate authority while deciding the appeal should consider the points raised by the applicant in his appeal.

6. In view of the above the O.A is partly allowed. The impugned appellate order dated 08.09.1997 (annexure- 8) and order dated 17.07.1998 issued by Revisionary Authority are set aside. The case is remitted back to the appellate authority to decide the appeal of the applicant dated 27.06.1994 (annexure- 7) by a reasoned and speaking order within a period of 3 months.

There will be no order as to costs.


Member- J.


Member- A.

/Anand/