

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 259 of 2001

Allahabad this the 16th day of July, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Munni Lal Sharma, Son of Shri Chhattu Sharma, working as Head Clerk in Diesel Lobby under Senior Section Engineer(Loco), Bareilly City, Bareilly.

By Advocate Shri C.P. Gupta Applicant

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. The Additional Divisional Railway Manager, North Eastern Railway., Izzatnagar.
3. The Divisional Mechanical Engineer(Power), North Eastern Railway, Izzatnagar.

Respondents

By Advocate Shri K.P. Singh

O_R_D_E_R (oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

While posted as Head Clerk, Bareilly City, the applicant Shri Munni Lal Sharma was served with charge-sheet for minor punishment(S.F.-11), copy of which has been annexed as annexure A-4 on the ground that when posted as Store Clerk, he neglected to properly maintain the uniform which resulted into damage causing loss to the railway establishment. The applicant

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replied the charge but being not satisfied with his explanation, the punishing authority passed the order dated 16.03.2000 imposing punishment of stoppage of six sets of passes. The applicant preferred an appeal against this punishment order, which has been decided vide annexure A-2 dated 01.01.2001, according to which a sympathetical view was taken and a recovery to a tune of Rs.23,210-50 was imposed upon him. The applicant has come up impugning this order.

2. The respondents have contested the case.~~and filed counter-Reply.~~

3. Heard counsel for the parties and perused the record.

4. Bare perusal of appellate order(annexure A-2) goes to indicate that the punishment at appellate stage has been altered, but without giving an opportunity of being heard to the applicant. Moreover, there is nothing mentioned in this appellate order regarding the stoppage of six sets of passes as per punishment order and thereby it is not clear as to whether this order for recovery is in addition to stoppage of sets of passes or it is in alternative thereto and, therefore, it cannot be sustained, quashed accordingly~~and~~ and the O.A. is decided with the following observations;

"Let the appellate authority decide the matter afresh within 2 months, after giving an opportunity of being heard to the applicant, and to pass specific order keeping in view the above observations."

5. No cost.

S. M. M.
Member (J)