

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 9th day of Aug., 2002.

Original Application No. 354 of 2001.

C O R A M :- Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Hon'ble Mr. A.K. Bhatnagar, Member- J.

Neeraj Garg a/a 34 years, S/o Sri N.L. Agarwal
R/o Sadar Bazar, Jhansi. Designation TTE (Railway).

.....Applicant

Counsel for the applicant :- Sri Arvind Srivastava

V E R S U S

1. Union of India through the Secretary, M/o Railways,
Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Central Railway,
Jhansi.
3. Senior Divisional Commercial Officer, Jhansi.
(Divisional Railway Manager's (P) Office.
4. Divisional Commercial Officer, Jhansi.
Divisional Railway Manager Office.

.....Respondents

Counsel for the respondents :- Sri D. Awasthi

O R D E R

(By Hon'ble Mr. A.K. Bhatnagar, Member- J.)

This O.A has been filed under section 19 of the Administrative Tribunals Act, 1985, challenging the validity of the revision order passed by the A.D.R.M, Central Railway, Jhansi against the applicant on 31.08.2000. The applicant had been punished after holding of a departmental enquiry by the disciplinary authority vide order dated 17.01.2000 (annexure- 11) against which he preferred an appeal which

Arv

was also rejected by the appellate authority vide annexure-13 dated 15.06.2000. He then filed revision which has been rejected vide impugned order dated 31.08.2000 (Annexure-1).

2. Without going into the merits of the case and the guilt of the applicant or otherwise, it would be sufficient to observe that the order of disciplinary authority, appellate authority and revisionary authority are all non-speaking orders and have been passed without application of mind. The original order of the punishment given by the disciplinary authority (annexure- 11) simply states "I have carefully considered the enquiry report and the findings submitted by the enquiry officer appointed to enquire into the charges framed against you vide memo number P-19/4295/VC/CON dated 05.05.1999 and your representation dated 20.12.1999 in reply to the enquiry report sent to you vide letter of even number dated 24.11.1999 and I hold you guilty of the articles of charge/imputation of misconduct/misbehaviour viz as shown in the charge memorandum levelled against you.". It is, therefore, evident that without application of mind and without giving reasons for holding the applicant guilty, the punishment was imposed. Further the appellate authority did not even bother to write even the few lines on appeal of the applicant. The appellate authority's order merely states "I have gone through the entire case, enquiry proceedings, D.A's orders and your appeal dated 06.03.2000 considering all the facts of the case, I reject the same after conclusion.". According to the appellate authority's order we can only see that the appeal was rejected without giving any reason whatsoever or without mentioning what were the grounds of appeal and why they were not considered to be valid grounds. Finally the revisionary authority's order is actually similar to appellate authority's order which states "I have gone

✓

through the entire case, enquiry proceedings, D.A's orders, A.A's orders and your revision appeal dated 03.08.2000.

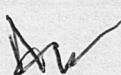
Considering all the facts of the case, I reject the same after conclusion.". This order merely states that after consideration of all the facts of the case, the revision has been rejected. He has also not bothered to give any reason whatsoever.

3. Heard Sri Arvind Srivastava, learned counsel for the applicant and Sri D. Awasthi, learned counsel for the respondents and have considered their submissions and closely perused the records and pleadings.

4. We are shocked to see the state of affairs. It is quite apparent that in the Railways, the officers are not given training as to how to conduct the departmental proceedings and thereafter how to pass the order of punishment or decide appeal or revision. We are constrained to observe that this affair must be noticed and set right by the respondent No. 1 who should pass strict orders that such acts should be avoided and infact those officers who do not follow the correct procedure should be counselled to avoid unnecessary litigation.

5. In the facts and circumstances mentioned above, we allow the OA and quash the orders dated 31.08.2000 (Annexure-1 dated 15.06.2000 (annexure- 13) and dated 17.01.2000 (annexure- 11)and remand the case back to the disciplinary authority to pass the fresh speaking order giving reasons for arriving at the conclusion.

6. There shall be no order as to costs.



Member- J.



Member- A.

/Anand/