

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 14th day of May, 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava , A.M.

Original Application No. 563 of 2001.

Uttam S/o Ram Subhag

R/o Lonia, P.O. Rithuakhor, Distt. Gorakhpur.

.....Applicant.

Counsel for the applicant :- Sri R.K. Ojha

V E R S U S

Secretary

1. Union of India through/M/o Railways, New Delhi.

2. The Chief Planing/ Designing Engineer, N.E. Rly.
Gorakhpur.

3. The Divisional Railway Manager, N. E. Rly.
Lucknow.

4. The Senior Divisional Engineer II, N.E Rly.
Lucknow.

.....Respondents.

Counsel for the respondents :- Sri K.P. Singh.

O R D E R (Oral)

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

This application has been filed challanging the orders Dt. 02.03.01, 13.10.00 and 07.06.00 passed by respondents. By order dt. 07.06.00, applicant was removed

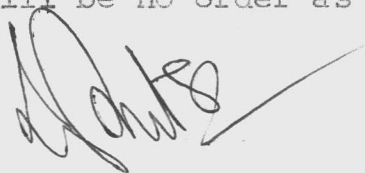


from service after completion of disciplinary proceedings. By order dt. 13.10.00, appeal of the applicant was dismissed and by order dt. 02.03.01, another appeal to next higher authority has been dismissed. Learned counsel for applicant has submitted that in his memo of appeal, applicant raised many legal questions assailing the order of punishment dt. 07.06.00. However, appellate authority has not given reason in respect of any ^{of the 4} grounds. Learned counsel for applicant has further submitted that applicant was served a memo of charge for minor penalty for absence from duty for more days. However, instead of minor penalty, he has been punished by major penalty. It is also submitted that copy of the enquiry report was not served on the applicant nor any show cause notice was given.

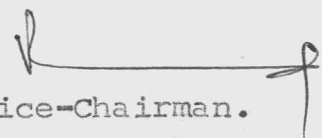
2. Sri K.P. Singh, learned counsel for the respondents could not justify ^u the appellate orders ~~deciding~~ the appeal by such short and cryptic order without mentioning any reason. In our opinion, the ends of justice shall be better served if the appellate orders are quashed and matter is sent back to appellate authority to decide the same by ^a reasoned order after hearing the applicant.

3. The O.A is accordingly allowed in part. The orders dated 13.10.00 and 02.03.01 are quashed. Appeal of the applicant before respondents ^u shall be considered and decided within three months from the date of communication of this order, after hearing the applicant, by a reasoned order.

4. There will be no order as to costs.



Member- A.



Vice-Chairman.