

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF AUGUST, 2001

Original Application No.946 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Balkishan a/a 43 years  
Son of Shri Chatre R/o 86, near  
Police Chowki, Pulliya No.9,  
Jhansi.

.... Applicant

(By Adv: Shri R.K.Nigam)

Versus

1. Union of India through  
General Manager, Central Railway  
Mumbai CST
2. Divisional railway Manager  
Central Railway, Jhansi.
3. Sr.Divisional Electrical  
Engineer(TRO),Central Railway  
Jhansi.
4. Addl.Divisional Manager-l,  
Central railway, Jhansi.

.... Respondents

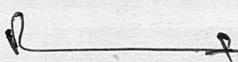
(By Adv: Shri K.P.Singh)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA the applicant has challenged the order dated 29.5.2000 by which he has been removed from service on conclusion of the disciplinary proceedings. The charge against the applicant was that he was absent from duty <sup>during the period "</sup>  
~~from~~ 30.5.1997 to 4.7.1997. Against the order of punishment applicant filed appeal which has been dismissed by respondent no.4 A.D.R.M by order dated 12.3.2001. The appellate order reads as under:

"....Your appeal dated 9.1.2001 against the order passed by Senior DEE(TRO) Jhansi



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removal from service vide letter No.

JHS/TRO/P/3029/A/EAR dated 29.5.2000

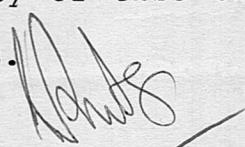
has been put to undersigned and the following order passed.

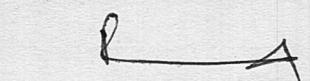
i) I have gone through the case and find DEE guilty of charges.

ii) Penalty imposed stands good.

From the above it is clear that the appellate authority has not indicated any reasons for not accepting the grounds mentioned in the memo of appeal. He has also not gone through the reasons why the inquiry proceeded ex parte against the applicant and there was no justifiable reason for his absence. The purpose behind providing remedy of appeal is that the mistakes committed at the stage of disciplinary authority ~~are~~ <sup>may be</sup> corrected. By the aforesaid ~~order~~ short and cryptic order the purpose has not been served. The order is also in violation of ~~as no reasons have been stated,~~ principles of natural justice and cannot be sustained.

For the reasons stated above, this OA is partly allowed. The order dated 12.3.2001 (Annexure A-2) is quashed. the appeal of the applicant shall stand restored before the appellate authority, respondent no.4 and shall be considered and decided by a reasoned order after giving the personal hearing to the applicant, within two months from the date a copy of this order is filed before him. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 09.8.2001

Uv/