

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD THIS THE 7TH DAY OF APRIL, 2005.

ORIGINAL APPLICATION No. 960 OF 2001.

HON'BLE MR. D.R. TIWARI, MEMBER- A.

Baij Nath Yadav, S/o Sri Bhamu Yadav
At present posted as Cleaner Porter,
Kachhawa Road, NE Rly, Varanasi,
Permanent resident of Vill. Marauchha,
Pipari, PO- Sukul Bazar, Ambedakar Nagar.

.....APPLICANT

Counsel for the applicant :- Sri R.P. Yadav

V E R S U S

1. Union of India through Secretary,
M/o Railways, New Delhi.
2. Divisional Railway Manager,
NE Rly., Varanasi.
3. Senior Divisional Operating Superintendent,
NE Rly, Varanasi.
4. Assistant Operating Manager (c), NE Rly.,
Varanasi.

.....RESPONDENTS

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

O R D E R

Instant OA is directed against the punishment order dated 06.12.2000 and Appellate order dated 30.01.2001 (Annexure A-1 and A-2 respectively). The applicant was charge sheeted for unauthorized absence. In inquiry, the Inquiry Officer held ~~the~~ ^{him} guilty of unauthorized absence from 05.03.1993 to

H. P. Singh

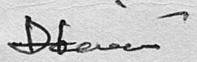
25.04.1993. After receipt of the inquiry report and taking in to account the facts from the case file, the disciplinary authority imposed the penalty of reduction of pay scale from 2840 to 2550 for a period of 3 years without cumulative effect on the applicant. The applicant preferred an appeal which in turn was rejected vide order dated 30.01.2001.

2. Learned counsel for the applicant has contended that the Appellate Order is very cryptic and without reason and does not advert to the points raised in the memo of appeal and the order has not been passed in accordance with the provisions contained in rule 22 of the Railway Service(Discipline & Appeal) Rules, 1968.

3. Sri K.P. Singh, learned counsel for the respondents submits that since the order passed by the Disciplinary Authority was detailed and it is not necessary to pass equally a detail order by the Appellate Authority. This contention of the learned counsel cannot be accepted as the rule 22 of the Rules *ibid* provides certain provisions to be followed. It may also be mentioned here that the Apex Court in the case of Ramachandran Vs. UOI has emphasized the need for passing a reasoned and speaking appellate order and I am in respectfull agreement with the observation of Hon'ble Supreme Court. Accordingly the OA succeeds and is allowed in

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part. The Appellate Order dated 30.01.2001 is
quashed and set aside with liberty to the
respondents to pass a fresh reasoned order, if so
advised, in accordance with rules. No costs.


MEMBER- A.

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