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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

नि:शुल्क प्रतिलिपि

ORIGINAL APPLICATION NO. 1073 OF 1997
ALLAHABAD THIS THE 4TH DAY OF DECEMBER,2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA,MEMBER-A
HON'BLE MR. A. K. BHATNAGAR,MEMBER-J

Munney Khan,
S/o Late Sri Sharfuddin,
resident of Mohalla Khalas behind Gausia Maszid,
Kashipur, District-Nainital.
.....Applicant

(By Advocate Shri U.N. Bhardwaj)

Versus

1. Union of India,
through the General Manager,
North Eastern Railway,
Gorakhpur.

2. Divisional Railway Manager,
North Eastern Railway,
Izatnagar.

3. Senior Divisional Mechanical Engineer,
North Eastern Railway,
Izatnagar. .....Respondents

(By Advocate Sri A.V. Srivastava)

ORDER

HON'BLE MAJ GEN K.K. SRIVASTAVA,MEMBER-A

This O.A. has been filed under section 19 of Administrative Tribunals Act 1985, with prayer for quashing the Punishment order dated 04.02.1984 (Annexure A-1) and Appellate order dated 02.08.1984.

2. The facts of the case, are that the applicant was employed

वरिष्ठ यांत्रिक इंजीनियर (पावर)
Sr. Mechanical Engineer (Power)

as High Skilled Fitter, Grade-II under the respondent's establishment. As per applicant the applicant suffered a severe heart attack. He was under the treatment. However, he was served with a Major Penalty Chargesheet (SF-5) dated 22/28.12.1982. After the completion of the enquiry the Disciplinary Authority passed the punishment order dated 04.02.1984 awarding the punishment of dismissal. The applicant filed appeal on 19.03.1984. The Appellate Authority rejected the appeal vide order dated 02.08.1984. Aggrieved by the same the applicant filed this O.A. which has been contested by the respondents by filing counter affidavit.

3. We have heard counsel for the parties at length considered their submissions and perused records.

4. The applicant filed a detailed appeal before the Appellate Authority on 19.03.1984 (Annexure A-16). We have gone through the appeal and we find that the applicant has raised number of points in his appeal. The perusal of the Appellate order leaves no doubt in our mind, that the same is cryptic and it appears that the Appellate Authority has not applied his mind properly. In a case where the extreme penalty of dismissal is awarded it is expected that the Appellate Authority will go into the details of the points raised by the appellant and unfortunately the Appellate Authority instead of considering the various aspects has rejected the appeal in a routine manner. In such circumstances, we have no option but to quash the Appellate order and remit the case back to Appellate Authority to consider the appeal and pass a reasoned order within specified time.

Dr. Mechanical Engineer (Power)
N. E. Railway, Izatnagar

5. For the aforesaid, the O.A. is partly allowed. The Appellate order dated 02.08.1984 (Annexure A-2) is quashed. The Appellate Authority is directed to decide the appeal of the applicant filed as (Annexure A-16) dated 19.03.1984 by a reasoned order within a period of three months from the date of communication of this order.

6. There shall be no order as to costs.

Sd/- JM

Sd/- AM

TRUE COPY

Section Officer 15/12/13
Central Admn. Tribunal
Allahabad

15-12-03

मण्डल यॉत्रिक इंजीनियर (पावर)
Div. Mechanical Engineer (Power)
पूर्वोत्तर रेलवे, इज्जतनगर
N. E. Railway, Izatnagar