

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD

ORIGINAL APPLICATION NO.373 OF 2004

ALLAHABAD THIS THE 14<sup>th</sup> DAY OF JULY, 2005

HON'BLE MR. M.K. MISRA, MEMBER-A  
HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Abdul Kareem Khan,  
S/o late Ajimullah Khan,  
Aged about 52 years,  
R/o Village Sanas Raon Mafiat,  
Post Khalilabad,  
District Sant Kabir Nagar.  
Presently working as Ticket Collector,  
N.E. Railway,  
Basti

.....Petitioner

(By Advocate Shri S.K. Om )

V E R S U S

1. Union of India,  
Through the General Manager, N.E. Railway,  
Gorakhpur.
2. Senior Divisional Commercial Manager, North  
Eastern Railway, Ashok Marg, Lucknow.
3. Divisional Commercial Manager, N.E. Railway,  
Ashok Marg, Lucknow.

.....Respondents

(By Advocate: Sri A.K. Gaur.)

ORDER ( ORAL )

BY K.B.S. RAJAN, MEMBER-J

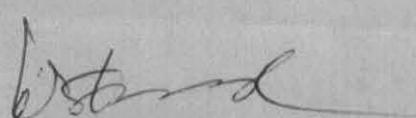
*h*  
The applicant is aggrieved by order dated  
10.2.2003 passed by the disciplinary authority

as well as the order dated 22.3.2004 whereby the appellate authority had asked the applicant to represent with regard to enhancement of quantum of penalty proposed by the appellate authority. By virtue of the stay order granted by this Court, no further proceedings had taken place in the disciplinary matter.

2. It has been argued on behalf of the applicant that the appellate authority has not followed rule 22(4) read with Rule 11 of Railway Servants (Discipline & Appeal) Rules, 1968 inasmuch as reasonable opportunity has not been given to the applicant. According to the applicant's counsel, the term reasonable should be viewed not only from time factor but also to disclose the reasons i.e. for proposed enhancement of penalty grounds should also be manifested in the show-cause notice.
3. The appellate authority has given the reasons only to the extent that according to him he found that the quantum of penalty imposed on the applicant being less. The applicant has been asked to represent against the show-cause notice within 15 days vide order dated 22.3.2004.
4. In our view, the applicant has been given reasonable opportunity by virtue of the aforesaid order and, therefore, the same does not call for any interference at this stage. The applicant may make a representation within 4 weeks from today and submit the same to the Appellate authority who will consider and pass a reasoned and speaking orders in regard to the appeal made by the applicant as well as representation to be made. Need less to mention that we have not expressed any opinion over the

orders dated 10.2.2003 passed by the disciplinary authority and 22.3.2004 passed by the appellate authority. On the decision being made by the Appellate Authority, if the applicant is still aggrieved, he may come on the original side, if so advised.

5. The O.A. stands disposed of in the aforesaid terms with no order as to costs.



MEMBER-J



MEMBER-A

GIRISH/-