

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD

(THIS THE 15th DAY OF April, 2010)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. S.N. Shukla Member (A)

Original Application No.747 of 2004
(U/S 19, Administrative Tribunal Act, 1985)

Jagdish Prasad Tiwari Aged about 50 years, Son of Sri Ram Sukh Tiwari
R/o Village Pure Gurudutt Tiwari (Pure) P.O. Para Bazar, District
Sultanpur. Working as Technitian-III, Power Spplly Instalation (P.S.I.)
Fatehpurpur Railway Station.

..... *Applicant*

Present for Applicant: *Shri Awadesh Rai*

Versus

1. Union of India, through its General Manager North Central Railway,
at Allahabad.
2. Divisional Rail Manager, North Railway Allahabad.
3. Divisional Electric Engineer (K.V.) North Railway Allahabad.
4. Assistant Divisional Electric Engineer, (K.V.) North Railway
Allahabad.
5. Senior Divisional Electric Engineer, North Railway, Allahabad.

..... *Respondents*

Present for Respondents: *Shri A.K. Pandey*

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Sri Awadesh Rai, learned counsel for the
applicant and Sri Dharmendra Tiwari holding brief of Sri A.K.
Pandey, learned counsel for the respondents.

✓

2. It is seen from the record that the Appellate Order has been passed in a most casual and perfunctory manner and without application of mind. Although the punishment awarded by Disciplinary Authority has been reduced vide order dated 13.12.2002, against the order passed by the Appellate Authority, a Revision has been preferred by the applicant which too has been decided by the Revisional Authority in a most casual and perfunctory manner and without application of mind and without considering the grounds taken in the memo of Revision.

3. In our considered view, the Revisional Order has not been passed in accordance following decisions of Hon'ble Supreme Court:-

- (i) 2008 (5) Supreme 281 M/s SAIL Ltd. Vs. STO Rour Kela.
- (ii) 2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance Company.
- (iii) 2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao.
- (iv) 2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh.
- (v) JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors.

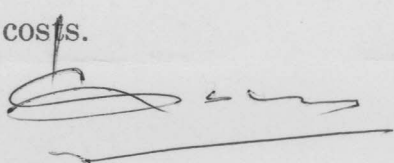
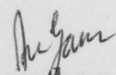
In the aforesaid decisions, it has been held by the Hon'ble Apex Court that while deciding the representation/appeal by the competent authority, speaking order should be passed.

4. It is an order of 2003, more than 7 years have already elapsed and the amount involved is too meagre. In the facts and circumstances

✓

of the present case, it would not be appropriate to remit the matter back to the Revisional Authority at this stage.

5. In view of our aforesaid observations, we hereby allow the Original Application. The order dated 26.03.2003 (Annexure A-3 of the O.A.) is hereby quashed and set aside with all consequential benefits. No costs.


Member-A
Member-J

Sushil