

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of March, 2005.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. NO. 1085 of 2004

Suman Kumar Gami, son of Late Ram Prakash Gami, aged about 39 years, R/O 557-A, Northern Railway New Loco Colony, Varanasi Cantt.

..... . Applicant.

Counsel for applicant : Sri S.S. Sharma.

Versus

1. Union of India through the General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.
3. The Additional Divisional Railway Manager, Northern Railway, D.R.M. Office, Lucknow.
4. The Divisional Superintending Engineer-II, Northern Railway, D.R.M. Office, Lucknow.
5. The Assistant Divisional Engineer, Northern Railway, Varanasi.

..... . Respondents.

Counsel for respondents : Sri A. Sthalekar.

O R D E R (Oral)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.S. Sharma, learned counsel for applicant, Sri A. Sthalekar, learned counsel for Respondents and perused the pleadings.

2. The applicant, a Railway employee, was subjected to disciplinary proceedings which resulted in award of punishment of reduction to initial level in the same time scale for a period of three years with loss of seniority vide order dated 9.1.2003 (Annexure A-3). Aggrieved against the said order, the applicant preferred an appeal which came to be rejected vide order dated 21.4.2003. The appellate order reads as under :-

Re: 9

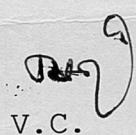
“रेल कर्मचारी एवं अनुदासन एवं अपील नियम 1968 के नियम 522 (35) के अनुसार अपील अधिकारी ADRM-II/LKW लखनऊ द्वारा उपरोक्त आदेश के विरुद्ध आपके द्वारा दी गई अपील पर ध्यान पूर्वक विचार करके निम्नलिखित निकाल व्यक्त किया है।

(क) अनुदासन प्राधिकारी के निकाल अभिलेखों के सक्षम के अनुसार प्रमाणित है तथा आरोपित दण्ड कम नहीं किया गया है एवं अपील निरस्त की जाती है।“

3. The appellate order, in our opinion, is no order in the eyes of law. Rule 22 of the Railway Servant (Discipline & Appeal) Rules, 1968 enjoins a duty on the appellate authority to apply its mind to the grounds taken in appeal and consider the same vis-à-vis facts in Rule 22 of the Rules. In Ram Chander Vs. Union of India, AIR 1986 SC 1173 it has been held that the appellate order bereft in reasons is no order in the eyes of law. In our opinion, therefore, the matter has to be remitted to the appellate authority for decision on merits a fresh in to the grounds taken in the memo of appeal vis-à-vis the provisions contained in Rule 22 of the Railway Servant (Discipline & Appeal) Rules, 1968.

4. Accordingly, the O.A. succeeds and is allowed in part. The appellate order as communicated to the applicant vide order dated 21.4.2003 is set aside and the Appellate Authority is directed to decide the appeal a fresh in the light of observations made as above within a period of four months from the date of receipt of a copy of this order.


A.M.


V.C.

Asthana/