

(42/1) (6)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

O.A.No. 135 of 1987

Sri R.K. Verma                      ...                      ...                      Applicant.

Versus

Union of India  
and others                      ...                      ...                      Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A.B. Gorthi, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed on the post of Signaller in the Northern Railway, Moradabad Division, Moradabad in the year 1947 and was confirmed on the aforesaid post on 4.6.1947. In the year 1968, he moved an application for leave and while he was on leave, he was transferred from Roorkee to Balamau. The applicant represented against the same which was stayed. The order of transfer was cancelled on 6.12.1968. The applicant thereafter, prayed that he may be transferred from Hardwar to Roorkee. But it appears that the same was not done. On 16.7.1974, the applicant was served with the Charge-sheet by the Divisional Safety Officer, Northern Railway, Moradabad. The charge against the applicant was that he was unauthorisedly absent for more than 80 days. In the enquiry which took place, the applicant was found guilty and was removed from service vide order dated 22.9.1976. He filed an appeal against the said order which was also dismissed. Thereafter, the applicant filed a review application but ultimately, the applicant was re-employed vide order dated 3.11.1980 and was posted at Dhampur, District Bijnor. The applicant was again <sup>served with a charge memo</sup> for unauthorised occupation of the Railway Quarter from 16.6.1968 even though, he has been transferred to Laksar. The departmental proceedings took place and again the applicant was held guilty of the charge and vide order dated 20.7.1984, he was removed from service. He

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filed an appeal against the same which was dismissed on 8.8.1985. The applicant, thereafter, filed a review application which was also dismissed vide order dated 27.5.1986, thereafter, he filed a suit in the civil court which by operation of law has been transferred to this Tribunal. Although, the entire charge-sheet and the enquiry proceeding has been challenged by the applicant, but it is not necessary to go into the other grounds in as much as the appellate order is non-speaking order which was passed even without hearing the applicant. The reviewing authority has not improved the situation. In these circumstances the application of the applicant ~~is~~ deserves to be allowed and the appellate Order dated 8.8.1985 and the Review Order dated 27.5.1986 are quashed, and the appellate authority is directed to re-hear and decide the appeal after giving the personal hearing to the applicant and as far as possible the appeal shall be disposed of within a period of 2 months from the date of communication of this order. The application is disposed of with the above observations. Parties to bear their own costs.

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Member (A)

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Vice-Chairman

Dated: 13.1.1992

(n.u.)