

Court No.2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1296 of 1987

(U.P. No.12362 of 1983)

R.S. Khisty Petitioner

Versus

Union of India & Others Respondents

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, Member (A)

(By Hon. Mr. D.K. Agrawal, J.M.)

Civil Misc. Writ Petition No.12362 of 1983
on transfer to this Tribunal under Section 29 of the
Administrative Tribunals Act, 1985 was registered as
T.A. Number indicated above.

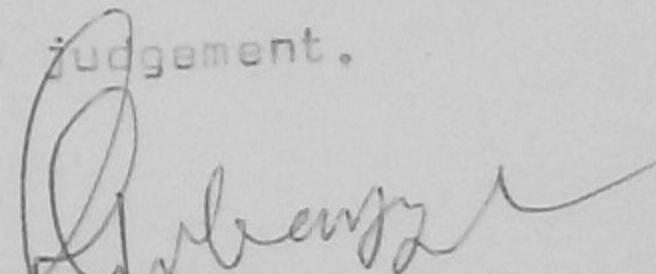
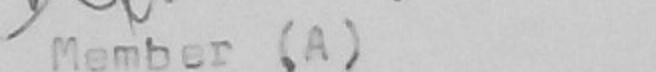
2. This Writ Petition is directed against the punishment order dated 18.7.83 confirmed in appeal by order dated 19.8.83. The petitioner posted as Senior Divisional Catering Inspector, Central Railway Jhansi was inflicted ~~not~~ punishment of reduction to the lower post grade/service of Asstt. Catering Manager in the scale of Rs.260-430, Until found fit by the competent authority to be restored to the higher post/grade/service of Senior Divisional Catering Inspector. The order of punishment was modified in appeal vide an order dated 19.8.83 whereby his reversion was limited to a period of two years (non-cumulative) fixing pay at Rs.430/- in the lower grade.

3. We regret to note that no counter affidavit has been filed in this case by the Railway Administration despite sufficient opportunity. We have on our own perused

D.K. Agrawal

the pleading as ^{they} exist on record. The order of punishment dated 18.7.83 discloses that copy of the enquiry report was not supplied to the delinquent employee before inflicting the order of punishment. Therefore, without going through the merits of the case, we are of the opinion that the order of punishment as confirmed in appeal cannot be sustained in view of the dictum of law laid down by the Supreme Court in the case of Mohd. Ramzan Khan. Consequently the impugned order has to be set aside.

4. In the result we allow this Writ Petition with costs which we quantify at Rs.500/-. The impugned order is set aside. The competent authority will however be at liberty to supply a copy of the enquiry report and after affording an opportunity to the petitioner to submit a representation thereto may pass an order of punishment in accordance with law. The petitioner after exhausting the departmental remedy of appeal will also be at liberty, if so advised, to approach us. The petitioner shall also be entitled to the arrears of salary which have not been paid to him on account of the order of punishment set aside by means of this judgement.


Member (A)
D.K. Gazzar
22. x. 91
Member (B)

Dated the 22nd October, 1991.

RKM