

(P.M.)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

D.A. NO. 838/88

Surendra Kumar Jauhari Applicant.

Vs.

Divisional Engineer Fault
Control, Lucknow Respondent.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, A.M.

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

The applicant who has now retired from service was awarded a minor punishment with-holding an increment for 1 year. When the charge-sheet was served, the applicant prayed for certain documents and a reply was given by the department in which it has been stated that the particular copies could not be given. The applicant insisted on supply the copy of a particular document which was not supplied to him and that is why no reply was filed by him. The departmental authority passed an ex-parte order. Against the order the applicant filed an appeal to the Dy. General Manager. The appeal has been decided by another authority, Director Maintenance. The applicant apart from challenging the punishment order and the procedure adopted has also challenged the competence of the appellate authority. It is not necessary for the Tribunal to go into other aspects, in view of the question of the competence of the authority which decided the appeal as personal hearing was not given to the applicant and the appeal was referred to another authority because of the abolition of a particular post. Consequently, the appellate order is set

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aside and competent appellate authority is directed to hear and dispose of the appeal within 2 months from the date of communication of this order after giving personal hearing to the applicant.

No order as to costs.

H. R. Bhargava
Member (A)

L.S.
Vice-Chairman

Allahabad

dt. 4.11.92

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