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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...
Registration Q.A. No. 137 of 1988
Natthi Singh Applicant.

Versus

Union of India
and others Respondent.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

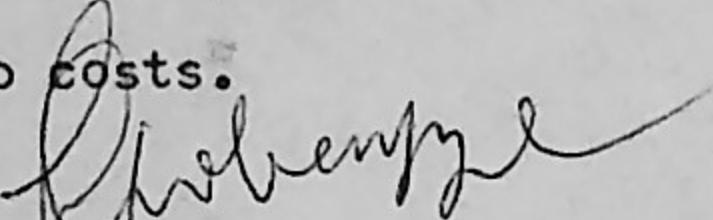
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

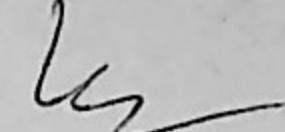
The applicant at the relevant point of time was ^{Railway} working as T.T.E. in the Central Jhansi after earning certain intervening promotions. On 2.2.1982, a charge-sheet was served upon the applicant for taking unauthorised passengers and not allotting birth to the genuine passenger. The applicant demanded the copy of the preliminary enquiry report and the statement of the witnesses, if any, recorded during the preliminary enquiry and other documents but the same was not supplied to him. He has filed his written statement on 8.2.1982 and pleaded ~~him~~ not guilty and denied the genuineness of documents. The enquiry officer was appointed and the enquiry officer submitted his report after conducting the enquiry. The applicant pleaded that the enquiry officer did not give him reasonable opportunity to defend himself, in as much as, all the witnesses were not examined and he was not afforded reasonable opportunity to cross-examine the witnesses, and acting on the enquiry officer's report, the disciplinary authority ~~reverted~~ reverted the applicant to the cadre of T.C. permanently. The applicant filed an appeal against the same which was dismissed on 18.12.1985. It appears that the appellate authority did not apply its mind in passing the non-speaking order because personal hearing which

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should have been given to the applicant, has not been given to him.

2. Accordingly, the appellate order dated 24.2.1986 is quashed and the application is allowed in part. The appellate authority is directed to give personal hearing to the applicant and decide his appeal taking into consideration the pleas taken by the applicant within a period of 2 months from the date of communication of this order. The appellate authority shall pass a speaking order. The appellate authority may entertain the written argument of the applicant. The application is disposed of with the above terms. No order as to costs.


Member (A)


Vice-Chairman

Dated: 6.7.1992
(n.u.)