

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 28th day of August 2000.

Orginal Application No. 240 of 1992.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, Member (A).

K.D. Mishra S/o Late O.D. Mishra
R/o 50/1, Gauri Nagar Dharmshala Road
Hardoi.

..... Applicant.

Counsel for the applicant:- Sri H.C. Shukla.

V E R S U S

1. Union of India ,through General Manager (P)
Baroda House , New Delhi.

2. Divisional Railway Manager, Northern Railway
Moradabad.

3. Divisional Supdt. Engineer (C)
Moradabad Division, Moradabad.

4. Divisional Engineer, Head Quarters
Northern Railway, Moradabad.

5. Divisional Engineer, IIIrd,
Northern Railway, Moradabad.

..... Respondents.

Counsel for the respondents:- Sri P. Mathur

O R D E R (Oral)

(By Hon'ble. Mr. R.R.K. Trivedi, V.C.)

By this application under section 19
of Administrative Tribunals Act 1985, ^{applicant has} challenging ^{which} the order dt. 30.10.90 passed by respondent No.

5, Divisional Engineer III, Northern Railway
Moradabad, has removed the applicant from the
post of clerk after concluding the disciplinary
proceedings. This order has been confirmed by
appellate authority i.e. Divisional Engineer,
Head quarters, Northern Railway, Moradabad.

Learned counsel for the applicant has submitted
that order dt. 30.10.90 was passed against
applicant ex parte and he was not provided
reasonable opportunity to defend himself. ~~Mentioning~~
~~the~~ documents which he demanded and which were
necessary for defence were not provided to the
applicant. It has also been submitted that
grievance was placed before the appellate
authority, ^{but} ~~the~~ the appeal of the applicant was
dismissed without showing any reason. Appellate
order ~~which~~ reads as under :-

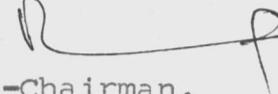
"No new facts have been brought forward
by sri K.D. Mishra. The punishment already
awarded will stand. The appeal is rejected."

2. In our opinion the order of the appellate
authority does not satisfy the legal requirements.
Appellate authority is required to examine all
the charges, the material produced in support
of charges and have ~~been~~ ^{to examine the} punishment ^{awarded against}
charges. There is no discussion on any ^{of points in the} ~~account of~~
appellate order. Right of appeal is ^{an} important
right.



4. There will be no order as to costs.


Member (A)


Vice-Chairman.

/Anand/