

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 21st day of November, 2000.

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.
Hon'ble Mr. Rafiq Uddin, Member- J.

Original Application No. 1419 of 1993.

Vijay Bhadur Maurya, aged about 31 years
S/o Sri Heera Lal Maurya, R/o RB-2 RSS 9/A
Railway Colony, Dabhaura, Central Railway.

..... Applicant.

Counsel for the applicant:- Sri Rakesh Verma

V E R S U S

1. Union of India through the General Manager,
Central Railway, Bombay V T.
2. Asstt. Divisional Signal & Telecommunication
Engineer, Central Railway, Jabalpur.
3. Chief Signal Inspector (Maint.)
Central Railway, Manikpur (U.P)

..... Respondents.

Counsel for the respondents :- Sri G.P. Agrawal

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O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been filed for setting-aside the order dt. 14.02.92 by which the respondent No. 3 has imposed the punishment for withholding the increment for two years without cumulative effect.

2. The case of the applicant is that while he was working as E.S.M.A in the pay scale of Rs. 1320-2040/- at Dabhaura Railway Station, he was charge-sheeted under rule 11 of Railway Servants (Discipline and Appeal) Rules, 1968 the applicant with certain errors in performance of his official duties and with leaving the Head Quarter unauthorisedly and without sanction of leave. The applicant has filed an appeal against the order of punishment dt.14.02.92 on 15.04.92. The appeal has not yet been decided.

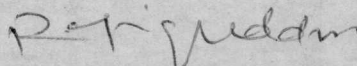
3. We have heard the counsel for the parties.


4. Learned counsel for the applicant has drawn our attention to the order of punishment dt.14.02.92 in which no reasons have been given for awarding the punishment of withholding the increment for 92-93 and 93-94 without cumulative effect. The only reason mentioned is that the reply of the show cause notice has not been found to be satisfactory. The appeal of the applicant against the punishment order has not yet been decided by the Appellate Authority and no order on the appeal has been communicated to the applicant.

5. Since the appeal of the applicant has not yet been decided by the respondents and the nature of the order of punishment will fall within the purview of the Appellate Authority, the sustainability of the nature of order has to be decided by the Appellate Forum.

6. Therefore, we consider it appropriate to direct the Asstt. Divisional Signal & Telecommunication Engineer (respondent No. 2) to grant opportunity of hearing to the applicant and decide his appeal within a period of one month from the date of receipt of a copy of this order alongwith a copy of memorandum of appeal by a speaking order.

7. There will be no order as to costs.


Member- J.


Member- A.

/Anand/