

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 7TH DAY OF NOVEMBER, 2000

Original Application No. 1648 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Moti Ram, a/a 42 years son
of Shri Pooran, r/o Railway hospital
Road, T 81-A, Luksar, District Hardwar

... Applicant

(By Adv: Shri O.P.Gupta)

Versus

1. Union of India through General manager
Northern Railways, Baroda House,
New Delhi.
2. Additional Divisional Railway manager
Northern Railways, Moradabad Division
Moradabad.
3. Divisional Mechanical Engineer, CNW
Moradabad.

... Respondents

(By Adv: Shri A.K.Gaur)

ORDER(Oral)

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

By this application u/s 19 of the A.T.Act 1985 the applicant has challenged the orders of punishment of compulsory retirement on conclusion of the disciplinary proceedings. Shri O.P.Gupta, learned counsel for the applicant has submitted that the Punishing Authority awarded the punishment ^{of} reversion for the period of two years by order dated 29.3.1993(Annexure 6). Applicant filed appeal against the order. However, the Appellate Authority by order dated 5.10.1993 enhanced the punishment from reversion to compulsory retirement. The learned counsel has placed both the orders before us and has submitted that the orders are short and ^{crip}tic as no reasons have been recorded for not accepting the defence of the applicant which was stated in the objection dated 28.8.1993 and 14.3.1993.

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We have perused the orders and find substance in the submission made by the learned counsel for the applicant. In his objection the applicant raised as many as 22 objections against the report of the Enquiry officer as well as against the show cause notice but the objections raised by the applicant has not been dealt with either by the Punishing Authority or by the Appellate Authority. By such a course the entire purpose of having disciplinary proceedings and passing orders of punishment after hearing the applicant, is frustrated.

Shri A.N.Ambasta realising the serious lacuna in the order of the authorities submitted that the Appellate order may be set aside and the matter may be sent back for passing a fresh order.

For the reasons stated above, the application is allowed in part. The order of the Appellate Authority dated 5.10.1993 is quashed. The matter is sent back to the Appellate Authority before whom the appeal of the applicant shall become alive to its original number and shall be considered and decided by a reasoned order within three months after hearing the applicant and in the light of the observations made above.

There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 07.11.2000

Uv/