

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 07th day of MAY 2002.

Original Application no. 1676 of 1993.

Hon'ble Mr. Justice RRK Trivedi, VC
Hon'ble Mr. S. Dayal, AM

Ishwari Prasad, S/o late Charan Das,
R/o vill Naglarati Tundla, Post Tundla,
Distt. Ferozabad.

... Applicant

By Adv : Sri A.S. Diwakar

Versus

1. Union of India through General Manager, N. Rly.,
Baroda House, New Delhi.
2. General Manager, N. Rly., Baroda House, New Delhi.
3. Divisional Railway Manager, N. Rly., Allahabad.
4. Divisional Engineer Electrical (RSO), N. Rly.,
Allahabad.

... Respondents

By Adv : Sri P. Mathur

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Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA filed under section 19 of the A.T. Act, 1985, the applicant has challenged order dated 24.4.1989 (Ann 7) by which Disciplinary Authority maintained the punishment awarded on 15.5.1987 by which the applicant was awarded punishment of reduction in salary by two stages without cumulative effect. Against the aforesaid order the applicant filed appeal which was dismissed on 26.6.1990 (Ann 9) by the following orders :-

"I have gone through the material on record as submitted in the appeal and the fact finding

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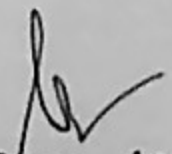
of the enquiry and other material fact of record, I do not find any material evidence in the appeal submitted by Sri Ishwari Prasad as such the same is rejected."


2. The grievance of the applicant is that in his memo of appeal the applicant raised separate grounds ~~grounds~~ including that there is no evidence against the applicant to prove the misconduct, but the appellate authority rejected the appeal by short and cryptic order which ^{is} contrary to principle of natural justice.

3. From the perusal of aforesaid order we are satisfied that the appellate authority has not been able to discharge his obligation in accordance with law. The order quoted above can be written even without perusal of any record. The appellate authority ought to have analysed the evidence adduced to prove the misconduct and also to consider quantum of punishment. But the appellate authority has not applied his mind to the aforesaid important aspects. Such order cannot be sustained.

4. The OA is accordingly allowed in part. The order dated 26.6.1990 (Ann 9) is quashed. The appeal of the applicant shall stand restored before the appellate authority who shall decide the same in the light of the observation made above within 3 months from the date copy of this order is filed.

5. There shall be no order as to costs.


Member (A)


Vice-Chairman

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