

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 13th day of December 2001

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman

Hon'ble Maj Gen K.K. Srivastava, Administrative Member.

Original Application no. 1722 of 1993

alongwith

Original Application no. 1821 of 1993

Bhagwati Prasad, S/o Sri Birjoo Ram,
R/o Railway Quarter no. 4-C Mughal Sarai,
Varanasi.

... Applicant
in OA 1722/93

By Adv : Sri Sajnu Ram
Sri PK Kashyap
Sri AN Ambhust

Suresh Prasad, S/o Sri Ram Janam Ram,
Khalasi under Chief Traction Fireman,
(RSO) Northern Railway,
MOGHALSARAI.

... Applicant
in OA 1821/93

By Adv : Sri S. Ram
Sri RK Kashyap
Sri RK Saxena

Versus

1. Union of India through Divisional Railway Manager,
Northern Railway, Allahabad.
2. Divisional Electrical Engineer (RSO)
Northern Railway, Allahabad.
3. Senior Divisional Electrical Engineer (RSO),
N. Rly., Allahabad.

... Respondents
in both the OAs

By Adv : Sri S. Chaturvedi | in OA
Sri P. Mathur | 1722/93

Sri JN Singh | in OA no. 1821/93
Sri RC Ojha
Sri AC Mishra

O R D E R

Hon'ble Mr Justice RRK Trivedi, VC.

In both the aforesaid QAs, the facts and question of law are similar and they can be decided by a common order, against which learned counsel for the parties have no objection.

2. The facts giving rise to this OA are that the applicant's were subjected to disciplinary proceedings and were awarded punishment of reduction in pay for 5 years with cumulative effect. Against order of punishment the applicants filed appeal which has been dismissed on 18.2.1993. The appellate order reads as under :-

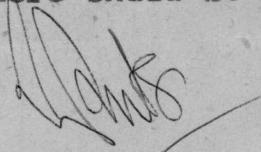
"The appeals of both is Sri Bhagwati Prasad & fitter Gr. I MGS and Shri Suresh Prasad, Khalasi, MGS are dismissed."

No reasons have been recorded in support of the order of dismissal of appeal. Learned counsel for the applicant has submitted that the order is short and cryptic and cannot sustain in the eyes of law as it violates the principle of natural justice. It is also submitted that infact the applicants have been denied the right of appeal. Sri P. Mathur, learned counsel for the respondents has submitted that the appellate authority may be directed to decide the appeal afresh by a reasoned order.

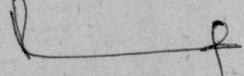
3. For the reason stated above both the QAs are partly allowed. The appellate orders dated 18.2.1993.

are quashed. The appeal filed by the applicants before the appellate authority shall stand restored and shall be decided within a period of 4 months by a reasoned order and in accordance with law from the date a copy of this order is filed.

4. There shall be no order as to costs.



Member-A



Vice-Chairman

/pc/