

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 225 of 1994

Allahabad this the 28th day of February, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.S.A.T. Rizvi, Member (A)

Shri H.L. Kushwaha, T.T.E., Northern Railway,
Allahabad, In the Office of CIT, Allahabad.

Applicant
By Advocate Shri Anand Kumar

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi-1.
2. Divisional Railway Manager, Northern Railway,
Allahabad.
3. Divisional Commercial Supptt., D.R.M. Office,
Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant while posted as Ticket Travelling Examiner in the respondents establishment, was subjected to disciplinary proceedings which ended with punishment order, copy of which has been annexed as annexure A-1 dated 11.8.1992 according to which a penalty was imposed upon the applicant for reduction in the same time scale of the pay by two stages for a period of one year

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permanently. Being aggrieved of this order, the applicant preferred appeal with specific mention that the disciplinary authority did not take into consideration the representation made by him. The appeal in the matter has been decided on 16.2.1993, copy of which has been annexed as annexure A-2. The relevant portion of the order reads as under;

"There is nothing substantial in the appeal to show that the charges which have been proved during inquiry are not correct."

Thereafter the applicant has come up before the Tribunal impugning the punishment and appellate order.

2. Heard Shri C.P. Gupta proxy counsel to Shri Anand Kumar, counsel for the applicant and Shri A.K. Gaur, counsel for the respondents.

3. We find the appellate order is very cryptic, passed in the mechanical way without applying mind and, therefore, it cannot be sustained. Learned counsel for the applicant has relied upon a case of Hon'ble Supreme Court "Ram Chander Vs. U.O.I. 198 S.C. A.I.R.", which is fully applicable in this matter. We, therefore, set aside the appellate order and remand back the matter to the respondents with the direction to re-consider the appeal filed by the applicant and pass fresh, speaking, detailed and reasoned order covering all the aspects as mentioned in the memo of appeal. The O.A. is partially allowed. No order as to costs.

S.K. Talyar

Member (A)

|M.M. |

S. C. M. A. G.
Member (J)