

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 1st day of November, 2000

Original Application No.320 of 1994

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

Kanhaiya, S/o Binda

R/o Vill-Badausa,

Post-Badausa,

District- Banda.

(Sri V.S. Chauhan, Advocate)

. . . . . Applicant

Versus

1. Union of India,  
Through Secretary Ministry of  
Railways, Rail Bhawan, New Delhi.
2. Sr.Divisional Engineer,  
Central Railway, Jhansi Division,  
Jhansi.
3. Assistant Engineer,  
Central Railway, Mahoba, Jhansi  
Division,

(Sri Prashant Mathur, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Rafiquddin, J.M.

The applicant, who was working as Keyman with Assistant Engineer, Central Railway, Mahoba, Jhansi Division (Respondent No.3), was punished vide order dated 16-9-1996 contained in Annexure-1 to this OA passed by the disciplinary authority whereby penalty of reversion to Gangman for two years was imposed after holding disciplinary enquiry against the applicant

for alleged unauthorised absence from duty. The applicant preferred an appeal against the aforesaid punishment order before the appellate authority, namely, Sr. Divisional Engineer, Central Railway, Jhansi Division, Jhansi (respondent no.2), who also by the impugned order dated 23-10-1993 dismissed his appeal. The applicant has approached this Tribunal and has sought quashing of the aforesaid orders.

2. The learned counsel for the applicant has brought to our notice the impugned order dated 27-12-1993 passed by the appellate authority and has urged that the same has been passed without giving any reasons. The appellate authority has passed cryptic order and has rejected the appeal holding that the punishment imposed on the applicant is justified. The learned counsel for the applicant has, therefore, urged that the matter should be referred to the appellate authority to dispose of the appeal of the applicant by a speaking order and after giving reasons and opportunity to the applicant of personal hearing.

3. Accordingly the OA is disposed of with the direction to the respondent no.2 to dispose of the appeal preferred by the applicant against the punishment order dated 16-9-1998 giving him a personal hearing and also by a speaking order within three months from the date of communication of this order. There shall be no order as to costs.

*S. B. Singh*  
Member (A)

*Rajiv Mehta*  
Member (J)

Dube/