

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 18th day of May 2001.

Original Application no. 578 of 1994.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member-A

Jagdish Singh, S/o Sri Nathoo Singh,
R/o Village - Hargapur, Tahsil - Nagina,
Distt. Biznaur.

... Applicant

C/A Shri A.K. Srivastava

Versus

1. Union of India, through its Secretary, Ministry of Railways, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, N. Rly., Moradabad Division, Moradabad.
4. Assistant Mechanical Engineer (P), N. Rly., Moradabad.

... Respondents

C/Rs Shri A.K. Gaur

...2/-

// 2 //

O R D E R (Oral)

Hon'ble Mr. Justice RRK Trivedi, V.C.

The facts in short giving rise to this OA are that the applicant was serving as Loco Cleaner in N. Rly., Moradabad. He was subjected to disciplinary proceedings for the charge that for securing employment he gave forged certificate showing that he had worked in the railways in the year 1977 to 1979. The disciplinary authority by order dated 30.03.1993 passed the order for removal of the applicant from service with immediate effect. This order was challenged in appeal which was dismissed on 9.9.1993.

2. Learned counsel for the applicant has placed before us the statement of Shri R.B. Rastogi, Station Master, Kathghar, presently Station Master Reghunath Pur. In reply to question no. 3, aforesaid witness admitted that he had issued certificate to the applicant showing that he had worked as railway employee for the period from 28.12.77 to 31.12.77, 16.12.78 to 31.12.78 & 1.1.79 to 2.1.79. It were based on verification of record. In reply to question no. 4, the aforesaid witness admitted that he perused the documents himself and issued certificate. In reply to question no. 5, the aforesaid witness stated that the documents were handed over by him to Shri M.K. Agarwal, while handing over the charge. Learned counsel for the applicant has submitted that this vital piece of **evidence** which was in favour of the applicant has not been considered by the **disciplinary**

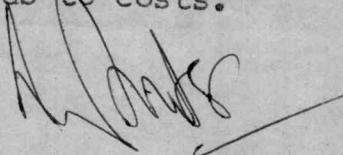
// 3 //

authority and the appellate authority. The disciplinary authority has passed the order on the printed form for order and the appellate authority has rejected the appeal by a short and cryptic order without even addressing himself to the facts of the case.

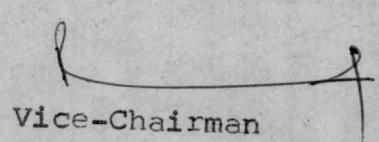
3. Learned counsel for the respondents, on the other hand tried to justify the order. However, he could not explain how attention of the disciplinary authority and appellate authority could escape the vital evidence mentioned above.

4. On careful consideration of the submission made by the learned counsel for the parties, in our opinion, the matter requires fresh consideration by the appellate authority. The OA is accordingly allowed. The order dated 9.9.1993 (annexure 19) is quashed. The appeal ^{shall} stand restored before the appellate authority and shall be considered and decided by a reasoned order in the light of the observation made above within a period of 2 months from the date of copy of this order is filed.

5. No order as to costs.



Member-A



Vice-Chairman

/pc/