

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 18th January, 2001

CORAM : Hon'ble Mr.S.Dayal, AM
Hon'ble Mr.Rafiq Uddin, JM

Original Application No.1206/94

Ganpat Singh son of Shri Dhan Singh
resident of Kakharpur (Waya Rajabpur),
District- Moradabad

..... Applicant

Counsel for the applicant : Shri O.P.Gupta

V E R S U S

1. Union of India through General Manager,
Northern Railways, Baroda House, New Delhi
2. Additional Divisional Railway Manager,
Northern Railways Moradabad Division,
Moradabad,
3. Divisional Mechanical Engineer, CNW,
Moradabad

..... Respondents

Counsel for the respondents : Shri A.Tripathi

O R D E R

(Open Court)

(Order by Hon'ble Mr.S.Dayal, AM)

This application has been filed for direction to the Respondents to set aside the impugned order dated 29.3.1993 and 6.10.1993 contained in Annexure A '4' and Annexure A'8'.

By order dated 29.3.1993 (Annexure A'4') the applicant was impleaded punishment of reversion for a period of 2 years from ^{the stage of Rs 1} 1130/- per month to ^{the stage of Rs 1} 800/- per month. The Appellate authority by order dated 5.10.1993 changed the punishment to that of compulsory retirement from service with immediate effect.

We have heard Learned Counsels for the parties.

Learned counsel for the applicant has stated that departmental inquiry was conducted against the applicant

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as well as one Mati Ram jointly as ^{is} it clear from Annexure-3 to the O.A. A similar order were passed in case of Mati Ram as well as the applicant- the punishment order dated 29.3.1993 and Appellate authority order dated 5.10.1993. Punished officials filed 2 O.As. - No. 1648/93 by Shri Mati Ram which was decided by order dated 7.11.93 and the present O.A. by ^{Shri} Ganpat Singh.

Learned Counsel for the applicant has placed the ^{punishment} orders before us and contended that are cryptic and no reason have been given by the authority for not accepting defence of the applicants. It has also been mentioned that Inquiry Officer in making his Enquiry Report has ^{relied on} placed documents which are only in his file and not supplied to the defence. In O.A. 1648/93 following order was passed :

" We have perused the orders and find substance in the submission made by the learned counsel for the applicant. In his objection the applicant raised as many as 22 objections against the report of the Enquiry Officer as well as against the show cause notice but the objections raised by the applicant has not been dealt with either by the Punishing Authority or by the Appellate Authority. By such a course the entire purpose of having disciplinary proceedings and passing orders of punishment after hearing the applicant is frustrated.

Shri A.N. Ambasta realising the serious lacuna in the order of the authorities submitted that the Appellate order may be set aside and the matter may be sent back for passing a fresh order.

For the reasons stated above, the application is allowed in part. The order of the Appellate Authority dated 5.10.1993 is quashed. The matter is sent back to the Appellate Authority before whom the appeal of the applicant shall become alive to its original number and shall be considered and decided by a reasoned order within three months after hearing the applicant and in the light of the observations made above.

There will be no order as to costs.

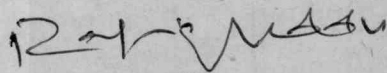
Member (A)

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In the light of the above order we quash the order of the Appellate Authority dated 5.10.1993 in this O.A. and send back the impugned order to the Appellate Authority to decide the appeal of the applicant dated 19.4.1993 afresh by a reasoned order within 4(four) months from the date a copy of this order along with copy of the said Appeal of Memo. is made available by the applicant to the Respondent No.2.

No order as to cost.


JM


AM

kkc