

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of April, 2001.

Original Application No.1207 of 1994.

CORAM :-

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

Hon'ble Maj Gen KK Srivastava, A.M.

Mahadev Son of Late Shri Ganga Deen,
working as Permanent Way Mistry (Maintainer),
Under Permanent Way Inspector, Northern Railway,
Chunar.

(Sri Anand Kumar, Advocate)

. Applicant

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Superintending Engineer (I),
Northern Railway, D.R.M's Office, Allahabad.
3. Assistant Engineer, Northern Railway,
Chunar.

(Sri AV Srivastava, Advocate)

. Respondents

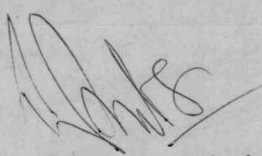
ORDER (O_r_a_l)

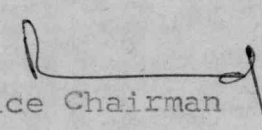
By Hon'ble Mr. Justice RRK Trivedi, V.C.

The applicant by this OA, under Section 19 of the Administrative Tribunals Act, has challenged the order of punishment dated 07-10-1993 by which the Assistant Engineer, Northern Railway, Chunar[^] awarded the punishment of reduction in pay from Rs.1680 to Rs.1400/- for one year without cumulative effect. The appeal was dismissed by order dated 18-5-1995. Learned counsel for the applicant has challenged the order of punishment on the ground that Assistant Engineer Chunar was not competent to pass the



Order of punishment, as the applicant was Class III employee in the grade of Rs.1400-2300 with basic pay fixed at Rs.1680/-per month. The Assistant Engineer Chunar was not a senior scale officer and as per Schedule II of the Railway Servants (Disciplinary & Appeals) Rules, 1968, he was not competent authority. The challenge with regard to the authority of respondent no.3 to punish the applicant has not been effectively controverted. The reply is vague. The appellate authority passed short and cryptic order without entering into serious legal controversies raised by the applicant. ^{u u} ~~In~~ ^u ~~The appellate authority~~ ^u ~~his memo of appeal~~ ^u has dismissed the appeal by one line order. Such disposal of his appeal in fact amounts ^u ~~to~~ denial of right of appeal. The order cannot be sustained. The OA is accordingly allowed. The order of the appellate authority dated 18-5-1995 is quashed. The appeal dated 10-11-993 shall stand restored before respondent no.2 and shall be considered and decided by a detailed reasoned order within three months from the date of filing a copy of this order. ^u ~~The OA is disposed~~ ^u ~~of accordingly with.~~ ^u No order as to costs.


Member (A)


Vice Chairman

Dube/