

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

ALLAHABAD this the 08th day of July, 2005.

Original Application No. 1623 of 1999

Hon'ble Mr. Justice S.R. Singh, VC.

Jogendra Singh, S/o Sri Jaleshwar Singh,
R/o Barak No. 1426, Room No. E/F
Indian Institute Colony,
Mughalsarai.

.....Applicant

Counsel for the applicant : Sri V.K. Srivastava.

V E R S U S

1. Union of India through its General Manager,
Eastern Railway, Netaji Subhash Road, Calcutta.
2. Divisional Railway Manager, Eastern Railway,
Mugalsarai, Chandauli.
3. Divisional Engineer Ist, Eastern Railway,
Mugalsarai.
4. Assistant Engineer-Ist, Eastern Railway,
Mugalsarai.
5. V.K. Pandey, SRSE/P.Way/N/MGS, Eastern Railway
Railway, Mugalsarai.

.....Respondents.

Counsel for the respondents : Sri A.K. Gaur.

ORDER

Against the order of punishment, the applicant
preferred an appeal before the Appellate Authority,

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which came to be dismissed by order dated 23.9.1999, which reads as under:-

“अद्योहस्ताक्षरी आपके अपील पर विचार कर निम्नलिखित निर्णय दिए हैं। “कर्मचारी को दिया गया दण्ड सही है एवं माफ नहीं किया जाता है।”

2. The Disciplinary authority vide its order dated 7.5.99 had passed an order to the effect that one increment of the applicant has been withheld for a period of one year with non-cumulative effect. The Appellate order dated 23.9.1999 as quoted hereinabove is a non-speaking order and, therefore, it is liable to be dismissed on this ground alone in view of the law laid down by the Hon'ble Supreme Court in the case of Ram Chander Vs. Union of India & Others reported in AIR 1986 SC 1173. It cannot be gain said that Rule 22(2) of Indian Railway (Service & Conduct) Rules enjoys what to pass a reasoned order.

3. Accordingly, the O.A. succeeds and is allowed in part. The appellate order dated 23.9.1999 is quashed and set-aside. The appellate authority is directed to pass a fresh order on the appeal of the applicant in accordance with law to be passed by a reasoned and detailed order within a period of two months from the date of communication of this order.

No costs.



Vice Chairman

Girish/-