

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 391 of 1999
this the 30th day of January 2002.

HON'BLE MR. S. DAYAL, MEMBER(A)
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Munshi Lal, S/o late Mahabir, R/o Village Ujaihini Aaima Godown,
Post Gauspur, Police Station Pure Mufti, District Kaushambi.

Applicant.

By Advocate : Sri S. Vijay.

Versus.

1. Union of India through General Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Divisional
Railway Manager's Office, Allahabad.
3. Divisional Superintending Engineer(I), Northern Railway,
DRM's Office, Allahabad.
4. Asstt.Engineer (Line)/N.R. Allahabad.
5. Sr.Section Engineer (Works)(Line), N.R., Allahabad.

By Advocate : A.K. Gaur.

Respondents.
Respondents.

O R D E R (ORAL)

BY HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

The applicant has challenged the validity of the order of termination from service dated 5.2.98 (Annexure A-1) and also for issuing directions to the respondent no. 4 namely Asstt. Engineer (Line)/Northern Railway, Allahabad, to reinstate the applicant in service from the date he remained un-authorisedly absent and also to pay him the full back wages and other consequential benefits. The applicant has also sought quashing of the order dated 7.10.99 passed by the appellate authority namely Divisional Supdt. Engineer (I), Northern Railway, Allahabad.

2. It appears from the record that the applicant while serving as Meson was issued a chargesheet by the respondent

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no. 4 for major penalty on 15.2.97 for alleged unauthorised absence from duty. An enquiry under DAR Rules was conducted against the applicant and the impugned order was passed.

3. The case of the applicant is that he suddenly fell ill on 11.1.1996 with mental disability and, therefore, he could not report his duty. The applicant on account of his mental condition was unable to resume his duty nor he could be able to inform his authorities regarding his illness being an illiterate person. When the applicant regained from his illness, he went to the office of the respondents alongwith his application dated 3.7.98, where he was not permitted to join his duty, instead he was served with a letter dated 9.7.98 directing him to approach the respondent no.4 as his service record has been transmitted to him. The applicant contacted the respondent no.4 through his representations dated 30.3.98 and 3.7.98, but the respondent neither paid any heed on his grievances, nor allowed him to resume his duty. The applicant was also served with the chargesheet dated 15.2.97 by the respondent no.4. It is, however, stated that the applicant through his son had sent reply to the chargesheet.

4. The main contention of the applicant is that the respondent proceeded against the applicant behind his back and action of the respondents is illegal. It is also stated that the appellate authority has passed the order only during the pendency of the present O.A. and, therefore, the same is illegal. The action of the respondent is also against the principle of natural justice.

5. We have heard the learned counsel for the parties and have perused the pleadings on record.

6. Having heard the learned counsel for the parties, we find that the order dated 7.10.99 has been passed by the appellate authority during the pendency of the present O.A. and the same is also not a speaking and reasoned order. The

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appellate authority has not given any reasons for agreeing with the findings of the disciplinary authority, while considering the appeal submitted by the applicant. The learned counsel for the applicant has also urged that the applicant himself not filed any appeal and the order of the appellate authority has been passed on the representation submitted by Sri Guru Prasad, son of the applicant.

7. Under the facts and circumstances of the case, we consider it appropriate to permit the applicant to file a fresh appeal within a period of one month from the date of communication of this order before the appellate authority, who will decide the same by a reasoned and speaking order within a period of two months from the date of receipt of such appeal.

8. The O.A. stands disposed of as above without any order as to costs.

Rajinikanth
MEMBER (J)

[Signature]
MEMBER (A)

GIRISH/-