

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of January, 2004.

Original Application No. 907 of 1999.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.  
Hon'ble Mr. D.R. Tiwari, Member- A.

Arjun Singh S/o Sri Reem Singh  
R/o Vill. Baraula, Post- Jafrabad, Distt. Aligarh  
At present posted as Gate Man, Gate No. 85 B,  
Qila Road, Aligarh.

.....Applicant

Counsel for the applicant :- Sri L.V. Singh  
Sri Tej Pal

V E R S U S

1. Assistant Engineer, Northern Railway, Aligarh.
2. Divisional Superintending Engineer IInd, Office of Divisional Railway Manager, Northern Railway, Allahabad.
3. Divisional Railway Manager, Northern Railway, Allahabad.
4. Union of India through the General Manager, Northern Railway.

.....Respondents

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

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

None appears for the applicant. We have heard Sri A.K. Gaur, Learned counsel for the respondents and perused the pleadings.

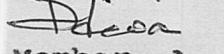
2. By order dated 03.10.1998 (Annexure- 1) the applicant was punished with a penalty of reduction of pay to the initial grade for a period of one year. Aggrieved by the order aforesaid the applicant preferred an appeal which came to be dismissed by cryptic order dated 05.04.1999

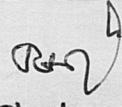
which reads as under :-

"मैंने बर्जस्टाइट का विवरण एवं अन्य सभी तथ्यों को मद्देनजर ध्यान में रखते हुए मैं इस नतीजे पर पहुँचा हूँ कि कर्मचारी की बलती है इब यह अपील स्वीकार करने योग्य नहीं हैं। अतः अपील निरस्त की जाती हैं।"

The appeal, in our opinion, is <sup>net</sup> an empty formality. The appellate authority is legally <sup>bound</sup> to consider the various aspects of the matter as provided in rule 22 (2) of Railway Servants (Discipline and Appeal) Rules, 1968. The requirement is of mandatory character and the appellate order does not satisfy the requirements of Rule 22 (2) of the Rules, and thus, in our opinion, the appellate order deserves to be set aside.

3. Accordingly the O.A succeeds and is allowed in part. Appellate order dated 05.04.1999 (Annexure- 2) is set aside. The matter is remitted back to the Appellate Authority to decide the appeal keeping in view rule 22 (2) of the Railway Servants (Discipline and Appeal) Rules, 1968 within a period of three months from the date of receipt a copy of this order. No costs.

  
Member- A.

  
Vice-Chairman.

/Anand/