

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 24th day of April 2001.

original Application no. 983 of 1999.

Hon'ble Mr. SKI Naqvi, Member- J

Hon'ble Mr. S. Biswas, Member-A

Ganga Ram Khachera, S/o Sri Khachera,  
R/o 25/28, Esai Tola, Behind Nirmala  
Convent School,  
Jhansi.

... Applicant

C/A Sri R. Verma

Versus

1. Union of India through the General Manager,  
C. Rly, Chhatrapati Shivaji Terminus,  
Mumbai.
2. The Divisional Engineer (South),  
Central Railway,  
Jhansi.
3. The Assistant Engineer (South)  
Central Railway,  
Jhansi.

... Respondents

C/Rs Sri P. Mathur

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicant has come up seeking relief against the punishment order as well as order passed in appeal.

2. As per his case, while he was working as Gangman in respondents establishment he was subjected to disciplinary proceedings which resulted into impugned order dated 7.4.97 (annexure A-1) through which the penalty of removal from service has been imposed. The applicant preferred an appeal against this order, but the same has been dismissed on 18.6.97 and the punishment order has been upheld. The applicant has impugned these orders for having been passed mechanically without affording due opportunity to the applicant and by not following the rule laid down in this regard and without observing the directions from the Hon'ble Supreme Court.

3. The respondents have contested the case and filed counter affidavit. As per respondents case the allegations against the applicant were of serious nature and, therefore, ~~defelting~~ punishment order has been imposed, passed, keeping in view the rules and direction in this regard. It has also been mentioned that the orders have been passed by the competent authority in accordance with facts and circumstances of the matter.

4. Heard learned counsel for the rival contesting parties and perused the record.

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5. We find that the order passed by the appellate authority vide order dated 18.6.97 is quite cryptic without mention of facts and grounds for which the appeal of the applicant has been dismissed.

It appears that the orders has been passed mechanically, rather by ~~filling~~ <sup>filling</sup> the proforma ~~charge~~ <sup>already</sup> prepared and, therefore, we are not in a position to sustain this order and thereby the order passed by the appellate authority stands quashed with consequential benefits to the applicant. However, the appellate authority is not precluded ~~from passing~~ <sup>to pass</sup> fresh order keeping in view the above observations.

6. No order as to costs.

S. B.  
Member-A

*S. C. S. S.*  
Member-J

/pc/