

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF DECEMBER, 2000

Original Application No.1197 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

A.M.Ansari, son of Late S.M.Akhtar
R/o 505 Sultanpur Bhawa
Allahabad

... Applicant

(By Adv: Shri Arvind Kumar)

Versus

1. Union of India through the Divisional Railway manager, Northern Railway Allahabad.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Senior Divisional Operating Manager, Northern Railway, Allahabad.
4. Divisional Operating Manager, Northern Railway, Allahabad.

... Respondents

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

This application u/s 19 of A.T.Act 1985 has been filed challenging order dated 7.9.1998 by which the applicant was punished by with-holding two increments by the Disciplinary Authority without cumulative effect. In appeal however the Appellate Authority by order dated 12.10.1999 enhanced the punishment by awarding reduction of pay by two stages for a period of two years. Against the order of the Appellate Authority a revision was filed which has been dismissed by a short and cryptic order dated 22.2.2000. As the orders passed by Appellate Authority and Revisional Authority suffer from serious illegality, in my opinion, this application may be allowed even without calling for a counter affidavit from the respondents.

Learned counsel for the applicant has submitted that reduction in pay scale amounts to major penalty for which a

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full fledged inquiry was necessary. However, in the present case the Appellate Authority, respondent no.3 enhanced the punishment from minor penalty to major penalty without taking care that procedure provided in the rules for awarding two penalties is different. In revision/appeal against the order dated 12.10.1999 applicant raised several grounds in the memo of appeal. however, the Revisional Authority has dismissed the revision by a short order which is being mentioned below:-

"I have gone through the whole case.

I do not find any reason to reduce the punishment already awarded. Regret."

As no reasons have been recorded, the application is partly allowed. The order dated 22.2.2000 passed by the respondent no.2 is quashed. The Revision/Appeal filed by the applicant shall stand restored to its original number before him which shall be considered and decided, by a speaking order in the light of the observations made above, within three months from the date a copy of this order is filed before him, after hearing the applicant.

There will be no order as to costs.


VICE CHAIRMAN

Dated: 4.12.2000

Uv/