

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1255 OF 2000
ALLAHABAD THIS THE 4TH DAY OF JUNE, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Birendra Singh,
Son of Late Jamuna Singh,
working as Clerk under Permanent Way Inspector,
Northern Railway, Mainpuri,
R/o Railway Quarter No. 40, Railway Colony,
Mainpuri. Applicant

(By Advocate Shri C.P. Gupta)

Versus

1. Union of India,
through the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Superintending Engineer (III),
Northern Railway,
D.R.M.'s Office,
Allahabad.
3. Divisional Engineer,
Northern Railway,
Firozabad. Respondents

(By Advocate Shri P. Mathur)

ORDER

By this O.A. filed under section 19 of Administrative
Tribunals Act 1985, applicant has challenged the orders of
punishment dated 30.05.1997 (Annexure A-1) and 12.06.1997
(Annexure A-2) by which the punishment of2/-



withholding of two increments for two years has been awarded. In the order dated 30.05.1997 the punishment is without postponing the future increments, whereas the order dated 12.06.1997 ^{✓ says ✓} that the future increments will be affected.

2. Learned counsel for the applicant has submitted that applicant was served only one memo of charge dated 12.06.1997, therefore, two different orders cannot be passed. The learned counsel for the applicant also submitted that he filed an appeal on 14.09.1997, but the same has not been decided by the respondents. In para 9 of the counter affidavit it has been stated that the appeal of the applicant was not addressed to the competent authority, as such the same was returned back to him on 31.08.1997. From the aforesaid it is clear that the applicant's appeal has not yet been decided. Applicant has filed two copies of the orders of punishment, one is of 30.05.1997 and another is of 12.06.1997, whereas the memo of charge was served only one, as stated in the counter affidavit, but the respondents have not given any ^{✓ explanation} details in respect of order dated ^{✓ 30-5-1997 ✓} ~~31.08.1997~~.

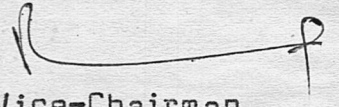
3. Considering all these facts, in my opinion, the ends of justice shall ^{✓ be ✓} better [✓] served if the applicant is given liberty to file a fresh appeal which may be considered by the appellate authority treating the same within time in accordance with law.

4. The O.A. is disposed of finally with a liberty [✓] to applicant to file a fresh appeal against the order. [✓]

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within a month, which is to be considered and decided treating the same within time, by the appellate authority. As the matter is very old, the appeal shall be decided within three months from the date a copy of this order is filed.

5. There will be no order as to costs.


Vice-Chairman

/Neelam/