

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF NOVEMBER, 2000

Original Application No.294 of 2000

CORAM:

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

HON.MR.S.DAYAL, MEMBER(A)

Kamlesh Bharti aged about 46 years
Son of Sri Sheo Vachan Bharti
Driver 'Goods' Moradabad Division
Northern Railway, moradabad
R/o Qr, No.L-20-B, Loco
Colony, Moradabad.

... Applicant

(By Adv: Shri T.S.Pandey)

Versus

1. Union of India through its Ex-Officio Secretary and Chairman, Railway Board Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Moradabad Division, Northern Railway Moradabad.
3. Divisional Engineer(Power) Northern Railway, Moradabad Division, Moradabad.

... Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R(Oral)

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

By this application u/s 19 of the A.T.Act 1985, the applicant has challenged the orders of punishment dated 5.5.1998 under which applicant has been reduced to lower pay scale for a period of two years 11 months. The order has been confirmed by Appellate Authority vide order dated 20.10.1998.

Shri T.S.Pandey learned counsel for the applicant has submitted that the Appellate Authority has disposed of appeal by short and Cryptic order and the material points raised by the applicant in his appeal have not been considered and answered. We have gone through the memo of appeal and the joint note dated 22.9.1997 which has been heavily relied on by the learned counsel for the

applicant. However, we find that Appellate Authority has not considered the material points raised in appeal and the facts and circumstances coming out of a joint note. The consideration of both was necessary for the just decision of the case. The Appellate order is short and cryptic and Appellate Authority has not discussed in appeal the aforesaid material, the order cannot be sustained.

For the reasons stated above this application is allowed in Part. The Appellate order dated 20.10.1998 is set aside and the appeal is remitted to the Appellate Authority for deciding afresh in accordance with the law by a reasoned order within three months after affording opportunity of hearing to the applicant. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 15.11.2000

Uv/