

Open Court
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NO.221 OF 2002

ALLAHABAD THIS THE 16TH DAY OF NOVEMBER 2006.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.
HON'BLE MR. P.K. CHATTERJI, A.M

Mahadev, son of late Ganga Deen, working as Permanent Way Supervisor, Under Permanent Way Inspector/Section Engineer (Track), Northern Railway, Chunar.

.....Applicant

(By Advocate: Sri S. Ram/Sri C.P. Gupta)

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Superintending Engineer-1, Northern Railway, D.R.M.'s Office, Allahabad.
3. The Assistant Engineer, Northern Railway, Chunar.

.....Respondents.

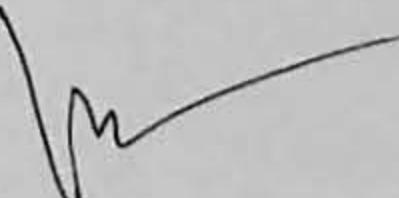
(By Advocate: Sri A.K. Pandey)

O R D E R

By Mr. Justice Khem Karan, V.C.

Heard Sri S. Ram, learned counsel for the applicant and Sri A.K. Pandey, learned counsel for the respondents.

2. The applicant is challenging order/letter dated 7.10.1993 by which Assistant Engineer, Northern Railway, Chunar imposed upon the applicant, punishment of reduction to the stage of Rs. 1400 in the time scale of Rs.1400-2300 (RPS) for a period of one year but without *any* cumulative effect and letter dated 8.8.2001 (Annexure



A-2) by which Divisional Superintending Engineer-I dismissed his appeal against the said punishment.

3. We think there is no need for referring to the facts and circumstances that calumniated in the punishment order. This much is not in dispute that against the said punishment order as well as earlier order dated 20.4.1995 by which Departmental appeal was rejected, the applicant filed one O.A. NO.1207/94 which this Tribunal disposed of vide order dated 27.4.2001. It transpires from perusal of this order of the Tribunal that the appellate order was quashed, on the ground that same was rather too cryptic and therefore, it was asked to restore the appeal and decide it afresh. It is in compliance of these orders of the Tribunal that the impugned order (Annexure A-2) has been passed. It has also been said that the Authority which was passed the punishment order, was not competent to do so but the appellate authority did not answer it expressly, nor the other points raised in appeal.

4. The respondents have filed reply saying that in so far as the relief relating to the punishment order is concerned, the same is barred by section 11 of C.P.C and there is nothing wrong in the appellate order.

5. Sri Sudama Ram, learned counsel for the applicant has contended that the applicant had taken several

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grounds in appeal including one that the Authority imposing the punishment of reduction to the lower stage of time scale of Rs. 1400-2300 was not competent to do so. He says that it is clear from the appellate order also that this point was specifically taken in appeal. Learned counsel for the applicant says that the Authority has not exhibited application of mind in this context and has dismissed the appeal without giving reasons. Learned counsel for the applicant has said that memo of appeal would reveal that one of the grounds taken was that copies of relevant documents were not supplied but appellate authority has said nothing in that context. According to him, the same errors have been repeated in passing the order in appeal, which were earlier committed as observed by this Tribunal in its order. Learned counsel for the applicant says that the present appellate order is not better than the earlier one and it is again a cryptic one. Though learned counsel for the respondents has tried his best to protect the appellate order but we are of the view that this appellate order being non-speaking, non-reasoned, is not sustainable in law and deserves to be quashed. Mere mentioning of one or two grounds in the order and thereafter dismissing the appeal without disclosing the reasons as to why those grounds are not being accepted, cannot be sustained in law. It remains in the category of non-speaking order. The Appellate Authority ought to have not repeated the same

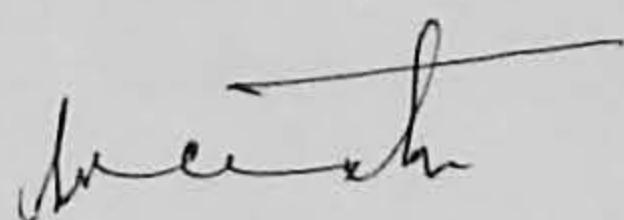
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errors in considering the appeal for the second time after the direction of the Tribunal.

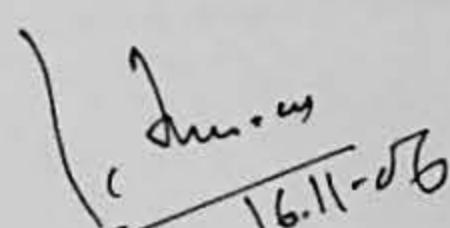
6. Learned counsel for the applicant has tried to say that while sending the relevant record the Appellate Authority, some extraneous matters were also placed before him by the Disciplinary Authority, which should not have been done as that was likely to prejudice the mind of the Appellate Authority. We are not pronouncing on the point as to whether any extraneous material was considered by the Appellate Authority, while passing the order impugned in this O.A.

7. So the O.A. is finally disposed of and impugned orders dated 8.8.2001 (Annexure A-2) is quashed with a direction to appellate Authority to decide the appeal afresh, in the light of observation made in the body of this order, within a period of three months from the date a certified copy of this order is produced before him.

No costs.



Member-A



16.11.06

Vice-Chairman.

Manish/-