

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18TH DAY OF MARCH, 2002

Original Application No. 270 of 2002

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Bal Kishan, S/o Shri Nathu Lal,
R/o village Gwaltoli Hansari,
District Jhansi.

... Applicant

(By Adv: Shri M.P.Gupta)

Versus

1. The Union of India through the
General Manager, Central Railway
C.S.T. Mumbai(Maharashtra)
2. The Senior Divisional Engineer
(South), Central Railway Divisional
Office, Jhansi.

... Respondents

(By Adv: Shri K.P.Singh)

O R D E R(Oral)

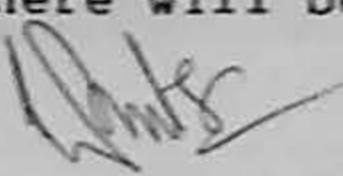
JUSTICE R.R.K.TRIVEDI,V.C.


This OA has been filed u/s 19 of A.T.Act 1985 for quashing ~~and set aside~~ the order of Assistant Engineer (South), Central Railway, Jhansi imposing the punishment of reduction in pay upon the applicant, as being against law, rules and the principles of natural justice with all consequential benefits. It appears that applicant was serving as MRCL in central Railway at Jhansi. He absented from duty from 4.9.1992. In order to explain his absence he submitted a certificate from mental hospital Agra for the period 4.9.1992 to 27.7.1995 and for 28.7.1995 to 18.8.1995. Certificate of Chief Medical Officer Jhansi was filed. He also appeared before Medical Director Byculla on 19.8.1995. The applicant was subjected to

disciplinary proceedings and it appears that he was punished. Shri Gupta, however, submits that applicant was not given the inquiry report of the Enquiry officer or the order of punishment. The entire proceedings were completed behind back. However, it is admitted that memo of charge dated 23.11.96 was served on the applicant. It is submitted that in the absence of documents applicant could not file appeal.

Shri K.P.Singh learned counsel for the respondents, on the other hand, submitted that documents may be provided to the applicant by the department without delay and he may file appeal.

Considering the facts and circumstances, this OA is disposed of finally with the direction to the respondent no.2 to ensure supply of report of the Enquiry officer and order of the Disciplinary Authority to the applicant within 15 days from the date copy of the order is filed. The applicant may thereafter file appeal before the Competent Authority. There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 18th March, 2002

UV/