

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 12th day of September 2002.

Original Application no. 1001 of 2002.

Hon'ble Maj Gen KK Srivastava, Member A  
Hon'ble Mr. AK Bhatnagar, Member J

Tengri, S/o Ganpat,  
R/o Welder Gr. III U/Section Engineer  
(P Way) E Rly Chandauli.

... Applicant

By Adv : Sri SK Dey  
Sri SK Mishra

Versus

1. Union of India through the General Manager,  
E Rly., Kolkata
2. The Senior DEN (C) E Rly., Mughalsarai.
3. The Divisional Engineer (1) E Rly.,  
Mughalsarai.

... Respondents

By Adv : Sri KP Singh

O R D E R

Hon'ble Maj Gen KK Srivastava, AM.

By this OA, filed under section 19 of the AT Act, 1985, the applicant has challenged the punishment order dated 30.4.2001, withholding the increment of the applicant for three years with cumulative effect. The applicant has prayed that the impugned punishment order dated 30.4.2001 be quashed with all consequential benefits.

2. The facts, in short, giving rise to this OA are that the applicant joined the Railways on 1.7.1985 as Group 'D' employee. He was promoted subsequently and working as Welder

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Gr. III in the pay scale of Rs. 3050-4590 in the respondent's establishment. A goods train derailed on 2.10.2002. The concerned Section Engineer made report against the applicant for bad quality of welding vide report dated 09.02.2001. A major penalty charge sheet dated 19.2.2001 was served upon the applicant. The applicant submitted his reply on 17.3.2001. Inquiry was conducted. During inquiry, as argued by Sri SK Mishra, learned counsel for the applicant, the applicant denied the charges. The Inquiry Officer submitted his report on 27.4.2001. The applicant was supplied with a copy of Inquiry Report on 27.4.2001, giving him 15 days time to file his representation. The impugned order withholding the increments of three years with cumulative effect was passed on 30.4.2001. The applicant filed his appeal on 19.6.2001 (Ann 8). Learned counsel for the applicant submitted that the proper inquiry was not conducted. The applicant was denied reasonable opportunity to defend himself and the punishment order was illegally caused. The appeal is also not decided, even after a lapse of 1 year and 3 months, <sup>though</sup> in fact as per rule it should have been decided within 6 months.

3. We have considered the submissions of learned counsel for the parties and perused record. In our opinion the ends of justice shall be better served, if the appeal of the applicant <sup>dated 19.6.2001</sup> ~~is decided~~ (Ann 8) is decided within specified time.

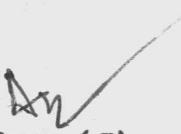
4. In view of the above, we dispose of this OA with

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the direction to the respondents no. 2 to decide the appeal of the applicant dated 19.6.2001 within 2 months from the date of communication of this order by a reasoned and speaking order. In order to avoid delay the applicant ~~should~~ file copy of appeal dated 19.6.2001 alongwith copy of this order within 2 weeks.

5. There shall be no order as to costs.

  
Member (J)

  
Member (A)

/pc/