

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1087 of 2002

Allahabad, this the 25th day of September, 2002

Hon'ble Maj Gen K K Srivastava, Member (A)

Hon'ble Mrs. Meera Chhibber, Member (J)

Jwala Prasad, aged about 42 years,
Son of Shri Vasudeo,
Resident of C-6, Moti Kunj Extension,
Mathura.

.....Applicant

By Advocate Shri R.K. Nigam

V E R S U S

1. Union of India,
through General Manager,
Central Railway,
Mumbai CST.

2. Divisional Railway Manager,
Central Railway,
Jhansi.

.....Respondents

By Advocate Shri K.P. Singh

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

This application has been filed by the applicant
against the show cause notice dated 06.09.2002 (Annexure A-I,



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Page-13) whereby the D.R.M., Jhansi, after considering the enquiry report has held that he has not agreed with the findings of the Enquiry Officer and proposed to review the punishment ^{awarded by} again by the Disciplinary Authority due to the reasons stated in that show cause notice. It is also stated therein that he proposes to enhance the said punishment to that of Compulsory Retirement. Accordingly, the applicant has been given an opportunity to make a representation, if any, within 15 days from the date of receipt of copy of show cause notice.

2. The applicant's grievance in this case ^{is} that the Disciplinary Authority by order dated 29.07.2002 reduced the applicant to a lower post/grade/service of AYM in the scale of Rs.4500-7000/- (Rs-Rp) until he was found fit by Competent Authority after a period of 2 years from the date of the order and this reduction will not have any effect on his seniority. His pay was directed to be fixed at Rs.5500/- at stage Rs.5900/- from which it was reduced.

3. It is stated by the applicant's counsel that against the said penalty order, the applicant has already moved a detailed appeal taking therein a number of grounds for challenging the said penalty (Annexure A-8, Page-33). The same is addressed to the Divisional Railway Manager, Central Railway, Jhansi. However, without considering the grounds taken by the applicant in his appeal, the Divisional Railway Manager has issued the show cause notice by resorting to rule-25, which according to the applicant's counsel is not permissible. We have put a specific question to the learned counsel for the applicant and as well as respondents, as to whether the appeal filed by the applicant is disposed of till date or not, for which both the counsels have admitted that appeal has not yet been decided.



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4. We feel that this case can be decided at the stage of admission itself with the consent of both the counsels by giving a direction to the respondent No.2 to take into consideration all the grounds taken by the applicant in his appeal dated 02.09.2002 and pass a detailed and reasoned order thereon within a period of 2 months from the date of receipt of a copy of this order. It is made clear that till a final order is passed on the applicant's appeal, no effect shall be given to the show cause notice dated 06.09.2002. Copy of the order passed by the respondents shall be given to the applicant.

5. With these directions the O.A. is disposed off. With no order as to costs.



Member (J)



Member (A)

Shukla/-