

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.**

Allahabad this the 30th day of March, 2005.

ORIGINAL APPLICATION No. 136 OF 2003

**Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. S.C. Chaube, Member- A.**

Bans Bahadur S/o Late Sri Ram Samuj
R/o Shapur, P.S. Pawai, Distt. Azamgarh,
At present residing at 76-B, Indirapuram,
B.D.A Colony, Kargena Badayun Road,
Bareilly.

.....APPLICANT

Counsel for the applicant: - Sri A.K. Srivastava

V E R S U S

1. Union of India through General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway, Moradabad Division,
Moradabad.
3. Divisional Operating Manager,
Northern Railway, Moradabad Division,
Moradabad.
4. Additional Railway Manager,
Northern Railway, Moradabad Division,
Moradabad.
5. Senior Divisional Operating Manager,
Northern Railway, Moradabad.

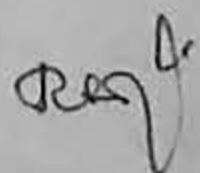
.....RESPONDENTS

Counsel for the respondents: - Sri Prashant Mathur

Prashant Mathur

O R D E RBY HON'BLE MR. JUSTICE S.R.SINGH, VC.

The applicant was served with charge memo dated 22.12.1999. The statement of article of charge framed against the applicant as contained in Annexure- 1 goes to show that 2 charges were framed against the applicant, first that while working at West cabin at CHTI in 00.12 hrs. shift on 28.07.1999, he acted in a most careless and irresponsible manner in that when the A.S.M advised him to give slot for receiving the Train No. 4047 up on line No. 4, he pulled the relevant levers after removing lever collar for giving slot to East Cabin to receive the Train on line No. 4 which was already blocked resulting in collision of 4047 up train with rear of stabled goods train causing loss of life and damage to property ; and second that while functioning in the aforesaid capacity of CHTI, he did not ascertain clearance of line No. 4 by visual observation as the front wagon of Up CHTI Special on line No. 4 was approximately 140 meters from the West Cabin and he was, therefore, in a position of confront ASM regarding line No. 4 being blocked but he failed and, therefore, he was responsible for the lapses and thereby violated the relating provisions referred to Annexure- 1 to the charge memo. The Inquiry Officer submitted his report copy of which



has been furnished to the applicant. The applicant submitted his representation on 08.09.2000. The Disciplinary Authority after considering the representation filed by the applicant held the guilty of the charges mentioned above and imposed the punishment of removal from service by order dated 28.09.2000, aggrieved the applicant preferred appeal which came to be turned down by order dated 19.12.2000 which reads as under :-

"I have gone through the entire case, the appeal submitted by you and the comments given by the Disciplinary Authority and your appeal is turned down."

Revision preferred against the said order also came to be dismissed by order dated 11.07.2001 which reads as under :-

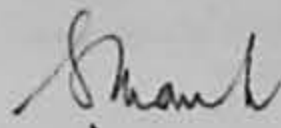
"I have gone through the Commissioner of Railway Safety's report and D&AR enquiry report of this case thrice. The gravity of laps is too grave to be over looked or viewed leniently. The punishment given by the Disciplinary Authority is just and appropriate. There is no scope to reduce the punishment at all."

2. Learned counsel for the applicant has submitted that the orders impugned herein suffer from vice of arbitrariness and are liable to be set-aside on the ground that the Authorities have not applied their mind to relevant factors. The Disciplinary Authority appears to have taken ^{& into consideration the} note dated 08.09.2000 made by the applicant in his defence and has concluded that ^{& amounted to} 'indirect admission of blunder' on the part of

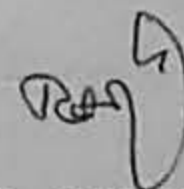
B. G.

applicant. The Appellate order extracted herein above would however, indicate that the Appellate Authority has turned down the appeal by a cryptic order without assigning any reason. In Ram Chandra Vs. U.O.I & Ors AIR 1986 ATC(1173), it has been clearly held that Appellate Authority is required to record the reasons in support of his order. In view of the provisions contained in rule [✓]222(2) of Railway Servants(Discipline and Appeal) Rules, 1968, ^{to} The Revisionary Authority does not appear to have ~~been~~ passed a reasoned order while disposing of the revision petition of the applicant. In our opinion, therefore, the Appellate Order dated 19.12.2000 and Revisionary Order dated 11.07.2001 are liable to be set aside.

3. Accordingly the O.A succeeds and is allowed in part. The Appellate Order dated 19.12.2000 and Revisionary Order dated 11.07.2001 are set aside. The Appellate Authority is directed to decide the appeal of the applicant afresh by means ofd reasoned and speaking order to be passed within period of four months from the date of receipt of copy of this order. No costs.



MEMBER- A.



VICE-CHAIRMAN.

/ANAND/