

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.513 of 2003.

Allahabad this the 15th day of January 2004.

Hon'ble Maj Gen K.K. Srivastava, Member-A.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

K.C. Srivastava
s/o Shri Subh Karan Nath
Ex E.C.R.C., Northern Eastern Railway,
Gorakhpur Mohaddipur, Gorakhpur.

.....Applicant.

(By Advocate : Sri Sudama Ram)

Versus.

1. Union of India through the General Manager,
Northern Eastern Railway, Head Quarter
Corakhpur.
2. Divisional Railway Manager
Northern Eastern Railway, Lucknow.
3. Senior Divisional Commercial Manager
Northern Eastern Railway, Lucknow.
4. Divisional Commercial Manager
Northern Eastern Railway, Lucknow.

.....Respondents.

(By Advocate : Km. Sadhna Srivastava)

O_R_D_E_R

(By Hon'ble Maj Gen K.K. Srivastava, A.M)

In this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for quashing the chargesheet dated 05.06.2000 (Annexure A-1), enquiry report dated 16.01.2001 (Annexure A-2), order of removal from service dated 19.02.2001 (Annexure A-3), appellate order dated 12.04.2001 (Annexure A-4), Revisionary order dated 06.09.2001 (Annexure A-5) and order dated 22.03.2003 (Annexure A-6) with direction to the respondents to treat the applicant in service with all consequential benefits.

2. The facts of the case, in short, are that the applicant was working in the respondent's establishment as Enquiry-cum-reservation Clerk at Gorakhpur. The applicant was served with major penalty chargesheet dated 05.06.2000. After completion of enquiry, the Disciplinary Authority passed punishment order dated 19.02.2001 awarding the punishment of 'removal from service'. The applicant filed appeal dated 12.03.2001 before respondent No.3 i.e. Senior Divisional Commercial Manager, North Eastern Railway, Gorakhpur. The appeal of the applicant was rejected by Appellate Authority by order dated 12.04.2001. The applicant filed revision petition before Additional Divisional Railway Manager, North Eastern Railway, Lucknow which was rejected by order dated 07.09.2001. Thereafter the applicant filed mercy appeal/special appeal in September 2001 which was also disposed of by order dated 22.03.2003 on the ground that as per Rules there is no provision for appeal against the order of revisionary authority unless the punishment awarded has been enhanced.

3. Heard Sri Sudama Ram learned counsel for the applicant and Km. Sadhna Srivastava learned counsel for the respondents, considered their submissions and perused records. In this case the extreme penalty of 'removal from service' has been awarded to the applicant. Such cases where extreme penalty is awarded, have to be carefully considered by the authorities concerned at each level.

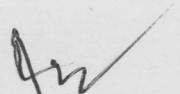
4. We have closely perused the punishment order dated 19.02.2001, the appellate order dated 12.04.2001, and revisionary order dated 06.09.2001, with reference to appeal dated 12.03.2001 (Annexure 12) and revision petition dated 25.04.2001 (Annexure 13). The applicant in his appeal dated 12.03.2001 and revision petition

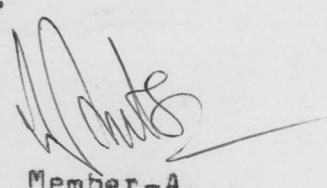


dated 25.04.2001 has raised number of legal points but were constrained to observe that the orders of Appellate Authority as well as that of Revisionary Authority are non speaking and cryptic. Neither of two authorities have discussed any of the points raised by the applicant. Such a short and cryptic orders cannot sustain in the eyes of law as it violates the principles of natural justice. It appears that the appellate order and revisionary order have been passed, orders without proper application of mind.

5. For the reasons stated above, the C.A. is partly allowed. The appellate order dated 12.04.2001 (Annexure A-4) and order dated 06.09.2001 (Annexure A-5) passed by Revisionary Authority are quashed. The appeal filed by the applicant before the Appellate Authority shall stand restored and shall be decided within a period of four months by a reasoned order in accordance with law from the date a copy of this order is filed.

6. There shall be no order as to costs.


Member-J.


Member-A.

Manish/-