

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 28th day of January 2003.

Original Application no. 57 of 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K K Srivastava, Administrative Member.

Mahi Lal, S/o Sri Dhani Ram,
Senior Section Engineer (P. Way),
Northern Railway, Chandausi,
MORADABAD.

... Applicant

By Adv : Sri T.S. Pandey

V E R S U S

1. Union of India through General Manager,
Northern Railway, Baroda House,
NEW DELHI.
2. Additional Divisional Railway Manager,
Northern Railway,
MORADABAD.
3. Divisional Superintending Engineer/C,
Northern Railway,
MORADABAD.
4. Divisional Engineer N/SPN (Inquiry Officer),
Northern Railway, Moradabad Division,
MORADABAD.

.... Respondents

By Adv : Sri P Mathur

O R D E R

Hon'ble Mr Justice RRK Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 6.9.2002 passed by the respondent no. 4. ~~Disciplinary Authority~~ awarding punishment of reduction to a lower grade post of Section Engineer in the pay scale of Rs. 6500-10500 (Basic) until the applicant is found fit by the Competent Authority after 3 years from the date

of the order to be restored to the higher post of Senior Section Engineer.

2. The order of the Disciplinary Authority was on a printed form in which columns have been filled. There is no discussion of the charge and the defence of the applicant and report of the Enquiry Officer. Aggrieved by the aforesaid order, applicant filed appeal which has been dismissed by the respondent no. 2 by a short and cryptic order dated 17.12.2002. The order reads as under :-

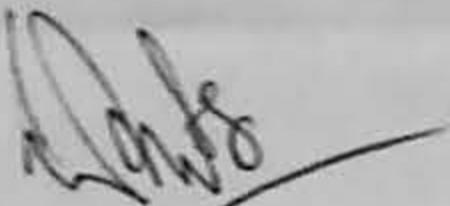
"Sri Mahi Lal's claims that he has given double punishment are not correct Reduction to any of the lower grade at any stage is permissible. His request to Change the Disciplinary Authority was un-reasonable. Orders of D/A are not non speaking. D/A has correctly summarized that a lenient view is being taken of the situation and in view of huge lapses on the part of Shri Mahi Lal in handling disposal of scrap a very lenient punishment has been imposed. I see no reason to reduce the punishment."

3. On perusal of the aforesaid order it is clear that Appellate Authority has not considered the charge against the applicant and the defence raised by him. He has also not discussed the findings recorded by the Enquiry Officer. The order does not satisfy the principle of natural justice and cannot be sustained.

4. The O.A. is accordingly allowed in part. The order dated 17.12.2002 is quashed. Appeal of the applicant shall stand restored before respondent no. 2 and it shall be considered and decided in accordance with law taking into account all the

grounds raised in the memo of appeal and the judgment cited in support thereof. The appeal shall be decided within three months from the date copy of this order is filed.

5. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/