

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 892 OF 2003.

ALLAHABAD THIS THE 12TH DAY OF May 2009

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS MANJULIKA GAUTAM, MEMBER-A

N.R. Khote, son of Shri Baldev, Resident of MOhalla- Behind the Sindhi Dharamshala House NO. 48, Govind Nagar, District Kanpur.

.....Applicant

By Advocate : Shri R.K. Pandey

Versus

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Senior Divisional Operating Manager, North Central Railway , Jhansi.
3. Divisional Operating Manager, North Central Railway, Jhansi.
4. Additional Divisional Railway Manager, North Central Railway, Jhansi.

.....Respondents

By Advocate: Shri D. Awasthi

O R D E R

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

Heard learned counsel for the parties; perused the pleadings and documents on record.

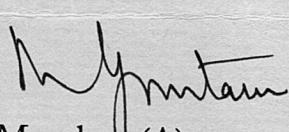


2. This O.A. is to challenge order of Disciplinary Authority dated 12.3.2003 and Appellate Order dated 1.7.2003 (affirming order of Disciplinary Authority) (Annexure A-1 and 2/Compilation I to the O.A.).

3. Order of Disciplinary Authority cannot be sustained for 'apparent' reason. The Disciplinary Authority has failed to discuss rival contention/s, statements of witnesses, on the record and to disclose the ground for not accepting 'defence' of the applicant or to accept prosecution case. Similar is the position with regard to the appellate order. It is well settled that 'adverse' order cannot be sustained, if lacks 'reason/s' being in violation of principles of natural justice.

3. In the result, the impugned orders dated 12.3.2003 and 1.7.2003 are set aside with direction to Respondents to pass fresh order in accordance with law.

4. O.A. stands allowed subject to above direction. No costs.



Member (A)



Member (J)

Manish/-