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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.1157 of 2007

Allahabad, this the 23rd day of July, 2008

Hon'ble Mr. Ashok S. Karamadi, Member-J

Govind, S/o late Badri, Aged about 52 years,
R/o Village Chemiya, Post Mughalsarai,
District Chandauli, U.P. working on Loco
Pilot (Shunting U/CCS/ECR/MGS)

...Applicant.

(By Advocate: Shri S.K. Mishra)

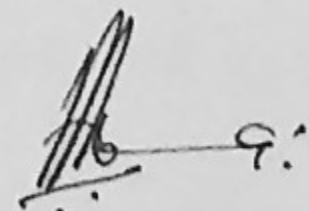
Versus

1. Union of India, through G.M., E.C. Railway, Hajipur, Bihar.
2. The Chief Electrical Engineer, East Central Railway, Hajipur, Bihar.
3. The Additional Divisional Railway Manager, East Central Railway, Mughalsarai.
4. Sri B.P.N. Tiwari, Sr. DEE/TRS/CP/E.C. Railway, Mughalsarai.

.....Respondents.


(By Advocate: Smt. U.S. Mishra)

The applicant was chargesheeted on 15.4.2005. Based on chargesheet, an enquiry was held and order was passed on 28.2.2006 awarding punishment of stoppage of increment for a period of two years. Being aggrieved by the same, the applicant has preferred an appeal before respondent no.3 on 21.4.2006. Thereafter the appellate authority has passed the order on 26.7.2006 affirming the award of penalty. Being aggrieved by the same, the applicant has preferred a Revision Petition, which was also dismissed by order dated 16.5.2007. Hence, the applicant is seeking the relief for quashing of aforementioned orders.




2. On notice, the respondents have filed Counter Affidavit contending that the respondents have passed appropriate orders in accordance with law against the applicant based on chargesheet and findings recorded by the competent authority. Since the order of punishment was affirmed by the appellate authority as well as revisionary authority and as such the same need not be interfered with and have sought for dismissal of the O.A.

3. I have heard the learned counsel for the applicant and respondents. The learned counsel for the applicant submits that having regard to the fact that the appellate order is non-speaking order does not contain any reasons for the same and award of punishment is also imposed by the authorities is not in accordance with law contrary to the materials available on record. To appreciate this contention of the learned counsel for the applicant, I have gone through the entire pleadings of the case and also the appellate order which is produced at Annexure-2. On perusal of the same, it is clear that the appellate authority has neither applied its mind to the contentions taken by the applicant in his memo of appeal nor any facts and reasons are forthcoming in the conclusion reached by the appellate authority in assessing the grounds taken by the applicant and further there is no reason for affirming the order of punishment against the applicant. Therefore, it follows that the appellate authority has passed illegal order, which is unsustainable in law as the same does not contain any brief facts of the case, nor any findings in arriving at the conclusion, therefore, it cannot be said that the impugned order is sustainable in law. In that view of the matter, I do not find any justification to accept the contention of the learned counsel for the respondents.

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4. In view of the above, the O.A. is allowed in part. The appellate and revisional orders are hereby quashed. The matter is remitted back to the appellate authority to consider the appeal of the applicant afresh on taking into account the grounds urged by the applicant in his memo of appeal and pass reasoned and speaking order in accordance with law within a period of three months from the date of receipt of a certified copy of this order. No costs.

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MEMBER-J

GIRISH/-