

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 398 of 1983.

Date of Decision- 25.4.91.

M.R.Bapi Raju ... Applicant.

Versus,

Union of India & Others ... Respondents.

For the Applicant: Mr.M.M.Basu, Advocate.

For the Respondents: Mr.B.Pal,  
Senior Standing Counsel  
(Railway).

C O R A M :

THE HONOURABLE MR. B.R.PATEL, VICE-CHAIRMAN.

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

- 1. Whether reporters of local papers may be allowed to see the Judgment ?
- 2. To be referred to the reporters or not ? *No.*
- 3. Whether Their Lord-ships wish to see the fair copy of the Judgment ?

J U D G M E N T.

N.SENGUPTA, MEMBER. 1. The short facts of this case are that

the applicant was working as a Drafts man in the Railway and he reported sick on 25.11.85. He was under treatment in the Railway Hospital at Jatni

*Mr. Sengupta*

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and he was discharged from that hospital on 19.1.86 but he was not fully cured, so he was under the treatment of Mr. Khaya, Private Medical Practitioner, from 18.1.86 to 13.4.86. Thereafter, it is alleged by the applicant, that he reported to duty on 14.4.86 but the Railways did not take him to duty and directed him to appear before the Railway Medical Officer. Rest of the facts need not be stated.

2. A memorandum of charges was served on the applicant on 9.4.86, that is before the date when the applicant reported to duty. The charges were in essence (i) that the applicant was unauthorisedly absent from duty from 20.1.86 to 6.2.86 and (ii) that even though he reported sick he was not found in the residential quarters allotted to him.

3. The Railway Administration in its counter affidavit has denied almost all the allegations that the applicant made by the applicant except the averment /was under the treatment till 19.1.86.

*Mr. Basu  
26/4.*

4. We have heard Mr. Basu learned counsel for the applicant and Mr. B. Pal, Senior Standing Counsel for the Railway Administration. The applicant has

further alleged that a punishment of withholding of three increments which will postpone the future increment was imposed on him and this we find from Annexure-4. It is an averment made by the applicant that he approached the appellate authority for setting-aside the order passed by the Disciplinary Authority but the appellate authority did not give him a hearing. This averment does not appear to have been denied by the Railway Administration in their counter affidavit. In these circumstances we remit the case to the appellate authority to consider the case of the applicant after giving him an opportunity to file a proper memorandum and a personal hearing.

*Arif Ali*  
VICE-CHAIRMAN.

*Member*  
25.4.91  
MEMBER (JUDICIAL)

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/ Hossain.  
25.4.91.

