

Or. No 28 mandamus

Rescind 4/7/99

ad 5/10 14.10.99

For encl

13.10.99

nd

Or. No 29 mandamus

Rescind 4/7/99

ad 3/11 11.11.99

For encl

16.11.99

u

For hearing.

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Bench

Order dated 2.4.2002

O.A.Nos.459 & 460/96

This common order will govern both the cases mentioned above.

None appears for the applicants in both the O.As on call. Heard Shri D.N.Mishra, learned Standing Counsel for the Respondents, separately, and perused the records.

Applicants in both the cases faced departmental proceedings (meant for Minor Penalty) as a consequence of which an amount of Rs.9,558/- and Rs.13,960/- from the applicants in O.A.Nos.459/96 and 460/96, respectively, was recovered. It is the case of the applicants that they preferred appeals and no heed having been paid to their appeals, they approached this Tribunal in the present Original Applications.

It is the case of the Respondents that the applicants, on receipt of allegations/chargesheets, did not submit any explanation/representation to the Disciplinary Authority nor did they prefer any appeal. To the averments made by the Applicants that they had in fact filed appeals (Annexure-5 to O.A. 459/96 and Annexure-4 to O.A.460/96), against the orders of recovery of the aforesaid amount, Respondents have controverted the same by submitting that those documents/appeals were never received by the Appellate Authority for consideration.

Having heard Shri Mishra for the Railways and on perusal of the pleadings in both the cases, Respondents are hereby directed to take into consideration Annexures-4 and 5 to the O.A. Nos.

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6A-459/96

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## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

free copy to  
the final order  
H.2.4.02 given  
to the both  
counsel.


~~Papa~~  
15/4/02

~~As~~  
15/4  
S.O

460/96 and 459/96, respectively, as if  
appeal memos had been submitted by the  
applicants and pass necessary orders  
thereon, after calling for reports from  
the Disciplinary Authority.

The entire exercise should be  
completed by the Respondents within a period  
of six months hence.

With the aforesaid observation  
and direction ~~that~~ both the Original Applications  
are hereby allowed, but without any order as  
to costs.

  
02/04/2002  
MEMBER (JUDICIAL)