

On, Dt. 17.3.03

for further hearing
as 'Part Heard'

for
28/3

Bank

On, Dt. 31.3.03 may
kindly be perused.

For further hearing
as 'Part-Heard'.

for
29/3

Bank

file received back
from xerox on 7.5.03

for
21/5

On, Dt. 21.4.03

Copies of order
sent to all parties
(to parties & respondents)

Copies of said order
handed over to
Counsel for both
sides

for
21/5

OM
SD

18. Dated 17.03.03.

At the request of the
Ld. counsel for the Applicant,
call this matter on 31.3.03.

*Subh
Vice-Chairman*

*Ho
Member(s)*

19. dated 31.03.2003

Mrs R. Sikdar, learned Counsel
appearing for the Respondents, seeks
time for setting instructions from
the Respondents. In view of this,
the matter is adjourned to 24.4.2003.

*Subh
Vice-Chairman 30/3*

*Ho
Member(s)*

20. Order dt. 24.04.2003

Heard Mr. J. Sengupta, learned counsel
appearing for the Applicant and Mrs. R. Sikdar,
learned counsel appearing for the Railways/
Respondents and perused the records placed before
us.

2. The Applicant (Hari Singh of
Chakradharpur Railways Division) having faced
punishment under Annexure-7 dt.22.3.1993,
preferred an appeal under Annexure-8 dt.9.5.1993.
The said appeal having been dismissed, under
Annexure-9 dt.15.07.1993, the Applicant preferred
further representations to the Departmental
Authorities and also filed the present Original
Application under Section-19 of the Administrative
Tribunals' Act, 1985. A counter has been filed in

in this case by the Railways/Respondents.

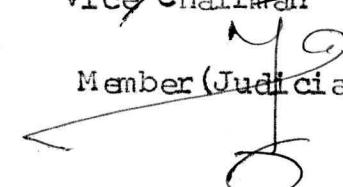
3. It appears from the Annexure-9 dt.15.07.1993, the Appellate Order, that the Appeal of the Applicant has been rejected without any reason. The entire Appellate Order, as reflected under Annexure-9 dt.15.7.1993, is extracted below :-

" After careful consideration of all the facts in your Appeal dated 09.05.1993, alongwith the relevant papers of the D & A case file, I, the undersigned, as Appellate Authority do not find any reason to consider your Appeal. Therefore, decided to uphold the above mentioned punishment awarded by the Disciplinary Authority i.e., DMS.II ".

4. Since the Appellate Order is beraft of any reason, the same is hereby quashed and the Appeal is remitted to the Senior Divisional Mechanical Engineer, S.E.Railways, Charkadaharpur to reconsider the Appeal and pass a reasoned / speaking order within a period of 120 days from the date of receipt of a copy of this order. The Appellate Authority is to intimate the result of the Appeal, within the time fixed to the Applicant.

5. With the aforesaid observations and directions, this Original Application is disposed of. Send copies of this order to the Applicant and the Respondents in the address given in the Original Application and free copies of this order be also given to the counsels appearing for both the parties.


Vice Chairman 24/4


Member (Judicial)