

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On, dt. 17.3.03

for further hearing  
as 'Part Heard'

Bench

On dt. 31.3.03 may  
kindly be perused.

For further hearing  
as 'Part-Heard'.

Bench

File received from  
from xerox in 753

On dt. 24.4.03

Copy of order  
sent to all parties  
(to peticn. & respdts.)  
Copy of said order  
handed over to  
Counsel for both  
sides

18. Dated 17.03.03.

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

*[Signature]*  
Vice-Chairman  
*[Signature]*  
Members

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.  
~~Order dated 31.03.2003~~

*[Signature]*  
Vice-Chairman  
*[Signature]*  
Members

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

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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 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 breaft of any reason, the same is hereby quashed and the Appeal is remitted to the Senior Divisional Mechanical Engineer, S.E. Railways, Charkradaharpur 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 )