

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

NO. O.A.511 of 1996

Date of Order : 12.7.1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman.
Hon'ble Mr. M.S. Mukherjee, Administrative Member.

MANOJ KUMAR SRIVASTAVA

Vs.

UNION OF INDIA & ORS.
(S.E.Railway)

For the applicant : Mr. P. Kumar, counsel.

For the respondents: Mr. P.C. Saha, counsel.

ORDER

M.S. Mukherjee, A.M.

Through the instant application, the applicant has prayed for a direction to set aside the order of the respondents dated 16.8.1995/21.8.1995 (annexure 'G' to the application).

2. The applicant was served with a charge sheet under DA proceedings on 16.8.1995/21.8.1995 vide annexure 'G' to the application. On conclusion of the said DA proceedings, he was awarded the penalty by way of reduction in pay by an order dated 4.9.1995 (annexure 'P' to the application). The applicant went in appeal against the same and the appellate authority rejected the appeal through the order dated 4.3.1996 (annexure 'K' to the application).

3. By way of penalty, the applicant's actual pay has been reduced to lower initial stage i.e. Rs.2000/- in time scale

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for a period of three years with non-cumulative effect in the scale of Rs.2000-3000/-.

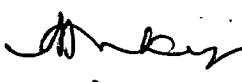
Through the appellate order although the penalty imposed upon the applicant has been upheld but the period has been reduced from three years to two years. Through the instant application, the applicant has challenged the order and has prayed for quashing of the same.

4. Mr.P.C.Saha has appeared on behalf of the respondents. However, the respondents have got no opportunity to file the reply.

5. After hearing the ld.counsel for the applicant and the ld.counsel for the respondents, we find that the order of the appellate authority dated 4.3.1996 (annexure 'K' to the application) cannot be upheld as all the three necessary ingredients have not been followed, as prescribed under Rule 22 of the Railway Servants (D & A) Rules, 1968.

6. Under the circumstances, we dispose of the application with the order that the appellate order dated 4.3.1996 (annexure 'K' to the application) is hereby set aside and we remand the case back to the appellate authority with a direction to decide the appeal afresh, strictly in terms of Rule 22 of the Railway Servants (D & A) Rules, 1968, within a period of three months from the date of communication of this order.

7. There will be no order as to costs.


(M.S. Mukherjee)
Administrative Member


(A.K. Chatterjee)
Vice-Chairman