

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 63 of 1998

Wednesday, this the 30th day of August, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. Ravikumar, S/o E.P. Madhavan,
Electrical Fitter/Train Lighting,
Southern Railway, Mangalore,
Residing at: Railway Quarters
No. MHD-1, Mangalore. ...Applicant

By Advocate Mr. T.C. Govindaswamy

Versus

1. Union of India through the General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai-3
2. The Additional Divisional Railway Manager,
Southern Railway, Palghat.
3. The Senior Divisional Electrical Engineer,
Southern Railway, Palghat.
4. The Assistant Electrical Engineer,
Southern Railway, Palghat. ...Respondents

By Advocate Mrs Sumathi Dandapani (rep.)

The application having been heard on 30th August, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A6, A8 and A10 orders issued by the Disciplinary authority, Appellate authority and the Revisional authority respectively.

2. The applicant was proceeded against for major penalty. After enquiry the Disciplinary authority awarded the applicant the punishment of withholding of increment for a period of 7 years with non-recurring effect. Aggrieved by the same, he preferred an appeal. The Appellate authority disposed of the

appeal ordering withholding of increment for one year with the effect of postponing future increments. He preferred a revision.. The Revisional authority confirmed the penalty imposed by the Appellate authority.

3. In the appellate order (A8) it is stated thus:

"However I consider that the penalty imposed, ie. withholding of increments for 7 years (Non-recurring) is very high. I therefore reduce the penalty as 'withholding of increment for one year (Recurring)', to meet with justice."

4. It is further stated in A8 thus:

"Accordingly, the penalty of withholding of increment from Rs.1320/- to Rs.1350/- in grade Rs.1200-1800 normally due on 1-9-96 for seven years (NR) imposed by the Disciplinary Authority is reduced to that of withholding of increment for one year with the effect of postponing future increments."

5. It is this order of the Appellate authority that has been confirmed by the Revisional authority.

6. The applicant has taken, inter alia, a ground that though apparently the appellate order will look that the penalty is reduced, in fact it is not so and has resulted in enhancing the penalty and that has been done not in accordance with the procedure prescribed.

7. The Revisional authority has not considered this aspect though this ground has been raised by the applicant in the revision petition (A9). The Revisional authority ought to have considered this aspect when it was specifically raised in the revision petition. Having failed to do so, it has become necessary to quash A10.

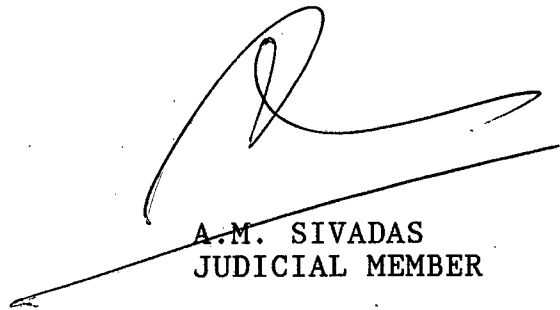
8. Accordingly, A10 is quashed. The Revisional authority, the 2nd respondent, is directed to consider A9 revision petition afresh considering all aspects including the aspect which is pressed into service before this Bench of the Tribunal and pass appropriate orders within a period of two months from the date of receipt of a copy of this Order.

9. The Original Application is disposed of as above. No costs.

Wednesday, this the 30th day of August, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

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| 1. | A6 | True copy of the Penalty Advice No. J/E 150/1/D/27/94 dated 7-2-96 issued by the 4th respondent. |
| 2. | A8 | True copy of the Order No. J/E 150/1/D/27/94 dated 27-11-96 issued by the 3rd respondent. |
| 3. | A9 | True copy of the Revision Petition dated 30-1-97 submitted by the applicant to the 2nd respondent. |
| 4. | A10 | True copy of the Order No. J/E 150/1/D/27/94 dated 16-6-97 issued by the 2nd respondent. |