

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 335/2003.

this, the 23rd day of July 2003.

HON. MR. A.K. MISRA MEMBER(A)

HON. MR. A.K. BHATNAGAR MEMBER(J)

Lala, aged about 46 years, Asstt. Station Master
Talakhajuri, S/o Shri Bihari Lal, presently working
at Transport Nagar, Lucknow.

....Applicant.

BY ADVOCATE SHRI S.P. LAL.

VERSUS

1. Union of India through its General Manager,
N. Railway, New Delhi.
2. Divisional Railway Manager N. Railway, Lucknow.
3. Additional Divisional Railway Manager N. Railway
Lucknow.
4. Sr. Divisional Operating Manager N. Railway,
Lucknow.
5. Divisional Operating Manager N. Railway
Lucknow.

....Respondents.

BY ADVOCATE SHRI N.K. AGARWAL.

ORDER(ORAL)

BY A.K. MISRA MEMBER(A)

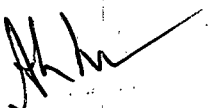
The relief claimed in this O.A. is for quashing

the impugned punishment order dated 17th March 2003 as contained in Annexure No. 1 to the O.A.

2. Learned counsel for the parties have been heard.

3. The applicant of this O.A. had preferred O.A. No. 480/2003 earlier which was disposed of by order dated 10th October 2002 passed by this Tribunal directing the respondents to decide the appeal filed by the applicant within a period of four months by a reasoned and speaking order. It was also provided in the said order of the Tribunal dated 10th October 2002 that status quo in respect of the applicant shall be maintained.


4. On a perusal of the annexures filed with the O.A., it is seen that on 17.5.2002, the Divisional Operating Manager passed an order imposing a penalty of reversion from the post of Assistant Station Master to the post of Cabinman for a period of three years with cumulative effect. Subsequently, for reasons not known, on 17th March 2003 the same punishment was awarded and the punishment order dated 17th March 2003 was confirmed by the Senior Divisional Operating Manager by his order dated 17th March 2003. Thus in effect two punishment orders awarding, the same punishment were passed, one on the 17th May 2002 by the Divisional Operating Manager and the other on 17th March 2003 by the Senior Divisional Operating Manager. By both the orders the applicant was reverted on the post of Cabinman for three years with cumulative effect. Both the punishment orders referred to the applicant's reply to the show cause notice dated 21st February 2003. Against these orders, the applicant has filed an appeal (Annexure 4) dated 10th April 2003 and a supplementary memo of appeal dated 19th May 2003 to the ADRM Northern Railway Lucknow. The appeal filed before the ADRM Northern Railway

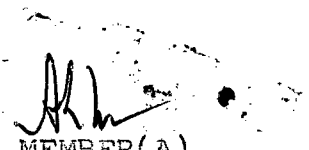


Lucknow is pending.

5. In the light of the factual position discussed, we dispose of this O.A. with the direction to the ADRM, Northern Railway Lucknow to decide the appeal filed by the applicant within a period of ~~two~~ months from the date of receipt of this order. The applicant shall enclose a copy of the memo of appeal and send the same to the competent authority alongwith copy of this order to enable the respondents to take a decision within the given time frame. The competent authority ~~shall~~ (ADRM, Northern Railway Lucknow) shall pass a reasoned and speaking order after taking into account the grounds taken by the applicant in the appeal. It is also provided that till the appeal is decided, the status quo in respect of the applicant as of today shall be maintained.

6. The O.A. is disposed of as above without any order as to costs.


MEMBER(J)


MEMBER(A)

LUCKNOW: DATED: 23rd July 2003.

V.