

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

OA 14/2005

This the 26th day of April, 2005

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri M.K. Misra, Member (A)

T.N. Misra
S/o Shri H.C. Misra
R/o Neelmatha Bazar
Lucknow.

(None present)

...Applicant

versus

Union of India through

1. The Secretary,
Ministry of Railways
New Delhi.
2. Chief Mechanical Staff Engineer
Principal Office, Northern Railway
Baroda House, New Delhi.
3. Divisional Railway Manager
Northern Railway, Lucknow.
4. Senior Divisional Mechanical Engineer
Northern Railway, Lucknow.

...Respondents

(By Advocate Shri N.K. Aggarwal)

ORDER (ORAL)

By Shri Shanker Raju,

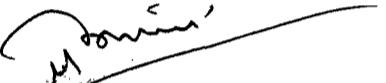
Minor penalty is imposed on the applicant on the ground that there was slackness in release of brakes, which resulted in delay departure of the train. The applicant being Supervisor has been found guilty for the same which has been affirmed in the appellate as well as revisional order.

2. From the perusal of the appellate order, what transpired is that the appellate authority on the basis of admission of slackness in supervision maintained the punishment whereas in the letter dated 12.7.2003 at Annexure 'C', we do not find a whisper about admission of slackness, rather a statement is made stating that applicant has made efforts to call Skill Grade Fitter Shri Balram Yadav but he has not turned up, as a result of which, the delay has been occurred.

3. We find from the revisional order that though the past record has not made a charge, while maintaining the punishment, earlier instances of punishment has been considered which is not correct as per law and this has deprived the applicant the opportunity to defend. This would amount taking into consideration the extraneous matter.

4. Learned counsel for the respondents vehemently opposed the contentions.

5. Though we find that the appellate authority has reduced the punishment, we find non-application of mind by the appellate authority as well as revisional authority. In this view of the matter, OA is partly allowed under Rule 15 of CAT (Procedure) Rules, 1987. Impugned appellate order and revisional order are set aside. The matter is remanded back to the appellate authority to pass a reasoned order dealing with all the contentions of the applicant within two months from the date of receipt of a copy of this order.


(M.K. Misra)
Member (A)


(Shanker Raju)
Member (J)

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OR
Copy of order
prepared on 03/05/05
03/05/05