

(75)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Registration O.A.No. 231 of 1990(L)

Gur Prasad

....

Applicant

Vs.

Union of India & Others....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

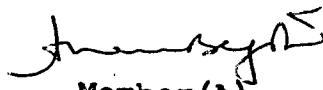
Hon'ble Mr. A.B. Gorthi, Member (A )

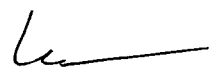
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as a Porter under the Station Master Nigohan, Northern Railway, Lucknow Division was chargesheeted under major penalty by the Assistant Operating Superintendent in which it was alleged that he has violated Rule 3 (i), (ii) and (iii) of the Railway Servants Conduct Rules. An Inquiry Officer was appointed and the inquiry proceeded against the applicant. The applicant submitted his reply to the said chargesheet. Thereafter Inquiry Officer held him guilty and the Disciplinary Authority on the basis of the report of the Inquiry Officer punished the applicant, and his pay was reduced. The applicant filed an appeal against the said punishment order which was also dismissed by a non speaking order.

2. On behalf of the applicant the inquiry proceedings has been challenged on variety of grounds, and it has also been contended that he was not allowed to engage a defence helper and further stated that the copy of the report of the Station Master was not supplied to him and he was deprived various other opportunities. It has also been stated that the Inquiry Officer's report was also not given to him to enable him to make an effective representation against the same, and the same violates the principle of natural justice, as has been held in the case of L

Union of India & others Vs. Mohd. Ramzan Khan, AIR 1991  
SC 471. All these are the matters which required attention of the Appellate Authority. The Appellate Authority here in this case also enjoined upon it to pass a speaking order but he did not pass the speaking order and it appears that no personal hearing was also given to the applicant. Accordingly this application is allowed and the Appellate order dated 28.12.89 is quashed. The Appellate Authority is directed to decide the application on merits after giving personal hearing to the applicant taking into consideration all the pleas raised by him. The Appellate Authority shall pass a reasoned and speaking order. Let appeal be decided by the Appellate Authority within a period of 2 months from the date of communication of this order. No order as to costs

  
Member (A)

  
Vice-Chairman.

27th January, 1992, Lucknow.

(sph)