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CENTRAL DISCIPLINARY AUTHORITY, ALL INDIA
RAILWAY SERVICE

Registration: C.A. No.325 of 1990

Harish Chandra Applicant

versus

Union of India & Others Respondents

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

Hon. Mr. A.L. Gorthi, Member (A)

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

The applicant and two other persons were charged in Fitter grade I in Carriage and Wagon Superintendent (Goods), Northern Railway, Lucknow Yard, Lucknow. No opportunity was given to defend themselves before passing the punishment order. The applicant's punishment order was passed on 15.2.90 for withholding of three years increments with effect from 1.2.91. The applicant preferred an appeal dated 31.3.90 to the appellate authority who reduced the punishment of withholding of increment for one year. But the appellate authority let out the two other persons namely Chandra Pal and Raja Ram. The applicant's grievance is that he has been discriminated although the same reply to the chargesheet was given by the aforesaid two persons and in this way the applicant has been discriminated. The learned counsel for the applicant stated before us that the appellate authority has passed a non speaking order and did not apply his mind and reduced the penalty of withholding of increment for one year without considering the points raised in appeal. In the circumstances, we quash the appellate order dated 11.7.90 as contained in Annexure-16 to the application and direct the appellate authority to pass a speaking order on the pleas raised by the applicant in appeal.

[Signature] [Signature]
Member (A) Vice Chairman

DO: 17th Sept., 1991.