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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Transfer Application No. 1157 of 1987
(W.P.No.2512 of 1983)

Vijai Pal Singh Petitioner/
Applicant.

Versus

Union of India
and others Respondents.


Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicant has filed a writ petition before the High Court at Lucknow Bench challenging the imposition of penalty dated 14.6.1982 as well as order dated 13.9.1982 and has also prayed that a mandamus be issued commanding the respondents to treat the applicant as having continued as Senior Booking Clerk and to pay him arrears of salary and allowances which accrue to him. The applicant while working as Senior Booking Clerk at Jarwal Road station of the N.E. Railway was served with a charge-sheet dated 25.9.1980. The charge against the applicant was that he failed to maintain absolute integrity and devotion to duty in as much as he sold IInd class PCT No. 04815 and took back the said ticket with collusion of Sri R.R.P. Singh resold the ticket No. 04815 on realisation of Rs. 57.50/- against the actual fare of Rs. 55.25 i.e. 2.25 excess as per his direction for which he put remark in the last page of DTC/Book dated 4.4.1980 that Rs. 55.25 made good by him. Thus he connived with reselling of PCT No. 04815. A departmental proceedings started against the applicant and

it appears that the applicant has submitted his defence statement and his statement was also recorded by the enquiry officer. According to the applicant, the statement of the witnesses were recorded behind his back and he was not intimated about the dates and the copy of the statement was not given to him. Though, according to the respondents, the applicant himself avoided for appearing on particular dates. A copy of the enquiry officer's report was given to him and thereafter penalty was awarded to him by reducing him at a lower scale. The applicant filed an appeal against the same and his appeal was also dismissed. Sri Anil Srivastava, learned counsel for the respondents contended that the plea of the applicant that full opportunity of hearing was not given to him does not stand any scrutiny as all these questions were to be decided by the appellate authority. The appellate order is a non-speaking order and the appellate authority has passed a telegraphic order rejecting the appeal of the applicant. This is not the way of deciding the appeal. The appellate authority should ^{be given} a personal hearing to the applicant and thereafter ^{of} ~~pass~~ a reasoned order. Accordingly, this application is allowed in part and the appellate order dated 13.9.1982 is quashed, and the appellate authority is directed to hear and decide the appeal of the applicant in accordance with law within a period of 3 months from the date of communication of this order after giving personal hearing to the applicant. The application is disposed of with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 22.6.1992

(n.u.)