

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. 1191/87
(W.P. 4927/83)

V.N.Chaubey

Applicant/Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava V.C.
Hon. Mr. A.B.Gorthi, Adm. Member.

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

The applicant was Assistant Station Master (officiating), Anupganj, Lucknow. He was placed under suspension on 8.2.1982 and was thereafter served with a chargesheet on 8.3.1982 containing five charges. The enquiry proceeded against him and the enquiry officer was appointed. The applicant submitted his explanation denying all the charges. While the disciplinary proceedings were pending against him the suspension order was revoked with effect from 23.2.1982 and the applicant was informed that the proceedings initiated against him under Rule 9 of the Railway Servants(Discipline & Appeal) Rules, 1968 have been dropped and it has been ~~stated~~ decided to initiate proceedings under Rule 11(1) of the said Rules on the article of charges already communicated to the applicant. The applicant submitted representation against the same again pleading not guilty. It was thereafter the impugned of punishment of withholding of increment for three years was passed on the ground that the representation of the applicant was not satisfactory. It was the case of minor penalty that

in

Group A-13(f) ¹⁰⁰
707

In the Hon'ble High Court of Judicature at Allahabad.

Lucknow Bench: Lucknow.

4927

Writ Petition No. of 1983.

Virendra Nath Chaubey. Petitioner.

Versus.

Northern Railway & others Opp. Parties.

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Lucknow: Dated:

August 29, 1983.

DSChaubey
(D.S. Chaubey)
Advocate.
Counsel for the Petitioner.

W.Mehra

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is why the detailed enquiry was not held. The filed on 2 appeal which was dismissed vide order dated 24.2.83. Then the applicant filed the Review Application. The contention of the applicant is that the authorities did not pass the speaking order on the ground that the explanation of the applicant is unsatisfactory and the appellate authority also passed unreasoned order and the Reviewing authority also. Although it is a case of minor penalty and charge was specified but when the one charge proved the order should have been a reasoned order and rather speaking order so that the applicant should have given the reply.

In view of this all these orders i.e. the punishment order, appellate and Review order are non speaking orders. Consequently, the punishment order dated 6.3.82, appellate order dated 24.2.83 and the Review order are quashed. It is, however open for the respondents to pass speaking orders in accordance with law, in case it is still desired to go ahead with the enquiry proceedings. As the punishment order has been quashed, the applicant will approach the department for consequential benefits and the department will consider the same. No order as to costs.

January 15
A.M.

15
V.C.

Lucknow Dated: 16.9.91