

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 04.1.1994.

OA 715/93

GANGA SAHAI ... APPLICANT.

V/s.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).  
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI K.K. SINGH.

For the Respondents ... —

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Ganga Sahai has filed this application u/s 19 of the Administrative Tribunals Act, 1985, challenging the penalty of removal imposed upon him vide Annexure A-2 dated 10.6.93 under Rule-6 of the Railway Servants (Discipline and Appeal) Rules, 1968 (for short, the Rules).

2. We have heard the learned counsel for the applicant. The contentions of the learned counsel for the applicant are that before imposition of the penalty of removal the applicant was not given a copy of the ~~inquiry~~ report of the enquiry officer to enable him to make a representation against the findings of the Enquiry Officer, and further that the Enquiry Officer, instead of allowing the applicant to produce his defence witnesses, concluded the enquiry abruptly. It is further contended that the disciplinary authority, which issued the impugned order, was an eye witness of the incident in question. However, the applicant had admittedly preferred an appeal on 17.6.93 vide Annexure A-3 under Rule-19 of the Rules against the penalty of removal imposed upon him by the disciplinary authority to the appellate authority and the same is still pending.

3. In these circumstances, we dispose of this OA at the admission stage with a direction to the appellate authority to dispose of the appeal on merits through a speaking order within a period of two months from the date of receipt of a copy of this order. A copy of this order may be sent to the appellate authority i.e. DEN (E), Jaipur alongwith a copy of the application together with its annexures.

( O.P. SHARMA )  
MEMBER (A)

Chiranjeevi  
( GOPAL KRISHNA )  
MEMBER (J)