

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 08.9.95.

OA No.183/93

P.C. William, Walder Gr.II, Ticket No.421, 25 Section, C&W Workshop, Ajmer.

...APPLICANT.

VERSUS

Union of India and others

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIFMAN

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

For the Applicant

... Mr.E.N. Mathur

For the Respondents

... Mr. Manish Ehandari

. O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIFMAN

Applicant, P.C. William, in this application u/s 19 of the Administrative Tribunals Act, 1985, has assailed the order at Annexure 'A' dated 3.8.92, by which a penalty of reduction to the minimum of the scale Rs.1200-1800 for a period of two years with future effect was imposed, and the appellate order at Annexure A-1 dated 13.11.92, by which an appeal against the imposition of penalty was dismissed.

2. We have heard the learned counsel for the parties and have carefully perused the records.

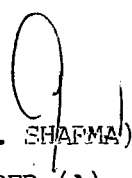
3. A perusal of the appellate order reveals that no finding of the appellate authority has been recorded in its decision dated 13.11.92 as to whether the procedure laid down in the Railway Servants (Discipline & Appeal) Rules, 1968 (for short the Rules) has been complied with while passing the impugned order and whether non-compliance with the rules of procedure has caused miscarriage of justice. The appellate order also does not indicate whether the penalty imposed is adequate, inadequate or severe. These requirements had to be complied with by the appellate authority in terms of Clauses (a) and (c) of sub rule 2 of Rule 22 of the Rules.

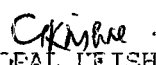
3. In the result, we set aside the order of the appellate authority (Annexure A-1) dated 13.11.92 with a direction to the appellate authority to decide the applicant's appeal afresh on merits in terms of the provisions contained in Rule 22(2) of the Rules within a period of two months from the date of receipt of a copy of this order. We further make it clear that the

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order of the disciplinary authority has not been disturbed. If the applicant is aggrieved by the decision of the appellate authority, he shall be at liberty to file a fresh OA.

4. The OA stands disposed of accordingly, with no order as to costs.


(O.P. SHAFMA)
MEMBER (A)


(GOFAL FISHIA)
VICE CHAIRMAN

VK