

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 15/10/2001

O.A. No. 135/1995.

P. K. Saxena S/o Sh. Shyam Sunder, aged about 36 years, R/o Railway Quarter No. 199-LB, Shamgarh Distt. Mansor (MP), Western Railway, at present employed on the post of Signal Inspector at Shamgarh Division, Western Railway.

... APPLICANT.

versus

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Signal and Telecommunication Engineer (E) Western Railway, Kota Division, Kota.
3. Sr. Divisional Signal and Telecommunication Engineer (E), Western Railway, Kota Division, Kota.

... RESPONDENTS.

Mr. Shiv Kumar, counsel for the Applicant.
Mr. Hemant Gupta, Proxy counsel for
Mr. M. Rafiq, counsel for the Respondents.

CORAM

Hon'ble Mr. S. K. Agarwal, Judicial Member.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

ORDER

(per Hon'ble Mr. A. P. Nagrath)

The applicant was issued with a major penalty charge-sheet and the list of allegation contains 3 charges.

- (i) Violation of Safety Rules.
- (ii) Unauthorised absence from duty.
- (iii) Disobedience of orders.

An oral enquiry was held and a copy of the same was sent to the applicant by the Disciplinary

Authority. On receipt of his explanation, the Disciplinary Authority imposed upon him the penalty of reduction by one stage in the time scale of pay for one year, affecting future increments. On appeal this punishment has been upheld by the Appellate Authority. The applicant is aggrieved with these orders and has ~~factum~~ filed this OA, seeking quashing of the charge-sheet dated 09.12.1988 order of Disciplinary Authority imposing penalty dated 13.01.1994 as also the ~~order~~ order of Appellate Authority dated 07.04.1994.

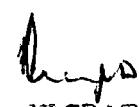
2. We have heard the learned counsel for the parties and perused the records.

3. In respect of the charge sheet, no grounds have been urged by the applicant or Learned counsel on his behalf to make out a case of any illegality in the charge sheet itself. After issuing of the charge sheet there has been an oral enquiry in which the applicant has participated. We, therefore, find no reason to quash the charge sheet. Prayer of the applicant on this effect is liable to be dismissed and is dismissed.

4. We have perused the orders of the Disciplinary Authority i.e. DSTE (T) KTT and the order of the Appellate Authority which is Sr. DSTE (T) KTT. Against the order of the Disciplinary Authority, the applicant had submitted an appeal dated 01.03.1994, which has been decided by the Appellate Authority vide order

dated 7.4.1994 upholding the orders of the Disciplinary Authority. We find that the order of the Appellate Authority has been passed in rather a cryptic manner and in a mechanical way. It does not give any indication of application of mind and the order does not address itself to the points raised by the appellant in his appeal. This is a totally a non speaking order and deserves to be quashed.

5. We do not express any opinion on the merits of the case relating to the departmental proceedings and order of the Disciplinary Authority. We, however, quash and set aside the order of the Appellate Authority dated 07.04.1994(Annexure A-3). We direct the Appellate Authority Sr. DSTE (T) KTT to pass a fresh, reasoned and speaking order covering the points raised by the applicant in his appeal and to communicate the same to the applicant within a period of 2 months from the date of receipt of this order. If the applicant feels aggrieved with the order of the Appellate Authority he is at liberty to agitate the matter by filing a fresh OA, if so advised. No order as to costs.


(A. P. NAGRATH)
Adm. Member


(S. K. AGARWAL)
Judl. Member