

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A.No. 379/2001

Date: 15.11.2002

Hon'ble Mr. G.C.Srivastava, Member (A)

Hon'ble Mr. M.L. Chauhan, Member (J)

Roop Narayan Sharma son of Shri Devki Nandan Sharma, aged about 43 years, resident of Quarter No. 1000-B Railway New Colony, Kota Jn. Western Railway, at present employed on the post of Vehicle Driver Grade-I, in the office of Senior Section Engineer (Works), Western Railway, Kota.

Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through General Manager, Churchgate, Mumbai.
2. Additional Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Senior Divisional Engineer (H.Q) Western Railway, Kota.
4. Assistant Engineer (Works), Western Railway, Kota.
5. Section Engineer-I, (Works), Western Railway, Kota.

Respondents

(By Advocate: Mr.S.S. Hassan)

O R D E R (Oral)

Hon'ble Mr. G.C.Srivastava, Member (A)

Heard Mr.C.B.Sharma, learned counsel for the applicant and Mr.S.S.Hassan, learned counsel for the respondents.

2. In this OA the applicant, who was working as driver under the respondents, has prayed for the following reliefs:

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(i) That the respondents be directed to produce entire record relating to the case and after perusing the same order of Revisional Authority dated 14.3.2001 (Annexure A/1) and appellate order dated 20.12.2000 (Annexure-A/2) along with charge sheet dated 25.8.2000 (Annexure-A/6) and punishment order dated 10.10.2000 (Annexure-A/8) be quashed and set aside with all consequential benefits.

(ii) That the suspension order dated 4.8.2000 (Annexure-A/3 and A/4) be quashed and set aside and respondents be directed to treat the period 4.8.2000 to 19.8.2000 as spent on duty for all purposes including pay and allowances.

(iii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

3. The applicant had been awarded punishment of reduction to lower stage by two stages for one year without cumulative effect. He had filed an appeal and revision petition which were also rejected by the respondents.

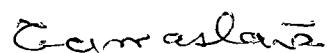
Mr. Sharma, learned counsel for the applicant had pointed out that the order passed by the revisional authority vide order dated 14.3.2001 (Annexure A-1) is a non-speaking order and does not cover the contentions raised by the applicant in his revision petition. According to him, the applicant had raised contentions regarding regularisation of suspension period and also requested that the punishment be quashed and set aside. He also requested for personal hearing before final orders are passed. Mr. Sharma for the applicant submits that the applicant was not given any personal hearing by the revisional authority before passing the order. The order also does not discuss any point raised in his revision petition and merely states that the revision petition does not raise any new points and since old points have already been considered the punishment is retained.

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4. We have heard the learned counsel for both the parties and are of the considered view that the order passed by the revisional authority does not deal with any of the points raised by the applicant and is therefore not a reasoned and speaking order. We quash and set aside the same and remit the matter back to the revisional authority to reconsider the revision petition submitted by the applicant after giving personal hearing to the applicant and pass appropriate reasoned and speaking order under intimation to him within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the OA stands disposed of.
No costs.


(M.L. Chaudhary)
Member (J)


(G.C. Srivastava)
Member (A)

vtc.