

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

194

OF 1998

Applicant(s) Shri Kunal Chandra Kalita

-VS-

Respondent(s) Union of India & Ors

Advocate for Applicant(s) Mr. G. K. Bhattacharyya

Mr. G. N. Das

Mrs. B. Bhatta Das



Advocate for Respondent(s)

Mr. S. Sengupta,

Ry. S.C

Notes of the Registry	Date	Order of the Tribunal
<p>Application is filed and within three months of Rs. 50/- deposited vide Form No. 030228 dated 26.7.98</p> <p>Requisite 4 copies have been filed.</p> <p><i>[Signature]</i> 20/8/98 Registrar</p> <p><i>[Signature]</i> 20/8</p>	25-8-98	<p>In this application the applicant has challenged the penalty imposed by the Railway authorities reducing his pay to the lower stage. Facts are :</p> <p>A Disciplinary proceedings was instituted by the authority and on the completion of the disciplinary proceedings concurring the findings of the enquiry/officer the applicant was found guilty and he was removed from service. On appeal against the order of removal from service, the appellate authority modified the penalty by reducing the applicant to a lower stage/in place of removal. According to the applicant the disciplinary proceeding itself was conducted contrary to the Rules. There are various lapses. in the enquiry/proceedings. Besides the Railway authority did not take into consideration of the fact that the pay scale had been revised</p>

contd/-

Notes of the Registry	Date	Order of the Tribunal
	25-8-98	<p>w.e.f. 1-1-96 and the applicant's pay scale was revised from Rs.4500/-^{to}7000/-.</p> <p>If the enhanced pay scale is taken into consideration of penalty of reduction to a lower scale the financial loss will be much less. The applicant however, feels that in the facts and circumstances of the case no penalty is imposable. Hence the present application.</p> <p>We have heard Mr.G.K.Bhattacharyya learned counsel appearing on behalf of the applicant and Mr.S.Sengupta learned Railway counsel for the respondents. Mr.Bhattacharyya submits that the enhancement of the pay after the 5th Pay Commission was not taken into consideration. If this was taken into consideration, the financial loss of of the applicant would much less.</p> <p>We have heard Mr.S.Sengupta learned counsel for the respondents. Mr.Sengupta submits that he has no instructions as on to-day. However, considering the submission of Mr.Bhattacharyya we feel it expedient that the applicant may approach the authority by filing a representation giving details of the case. If such representation is filed within a period of 15 days from to-day. The Railway authority shall consider the same and dispose of the representation by a reasoned order. This must be done as early as possible at any rate within a period of 2 months from the date of submission of the representation. Accordingly, this Original Application is disposed of.</p> <p>Considering the entire facts and circumstances of the case, we make no order as to costs.</p> <p style="text-align: center;">  Member </p> <p style="text-align: right;">  Vice-Chairman </p>

9.9.98

Copies of order along with the petition have been sent to the D/Sec for clearing the same to the Respondents through Regd with A/D.

Received copy D. No. 2641/98
 11.9.98
 Adv. 2-9-98

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