

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No.181/03

Jabalpur this the 14th day of September, 2004.

CORAM: Hon'ble Mr.M.P.Singh, Vice Chairman  
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Vasant Shankar Nigudkar  
S/o Shri Shankar Sadashiv Nigudkar  
Ex-Station Master  
Bheraghat.  
R/o LIG I, Punit Nagar  
Housing Board Colony  
Adhartal, Jabalpur.

Applicant.

(By advocate Shri S.Paul)

Versus

1. Union of India through  
Secretary, Ministry of  
Railways, Railway Bhawan  
New Delhi.
2. General Manager  
Central Railway, CST,  
Mumbai.
3. Divisional Manager (Railways)  
Central Railway, Jabalpur.
4. Senior Divisional Operating  
Manager, Central Railway  
Jabalpur.

Respondents.

(By advocate None)

O R D E R (oral)

By M.P.Singh, Vice Chairman

Heard the learned counsel of the applicant. None is present for the respondents. Hence we dispose of this OA by invoking the provisions of Rule 16 of the CAT(Procedure) Rules, 1987.


2. By filing this OA, the applicant has claimed the following main reliefs:

- (i) To quash the impugned order of removal dated 26.2.02 (Annexure A4), appellate order dated 5.4.02 (A-6) and revisional order dated 2/3-2-03 (A-8).
- (ii) Direct the respondents to reinstate the applicant with full back wages and other consequential benefits, as the disciplinary proceedings are never instituted against him.

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3. The brief facts of the case are that the applicant was working as station master, Bheraghat, Jabalpur Division of Central Railway. While working as such, a charge sheet was issued and three charges were levelled against him. An enquiry officer was appointed to investigate into the charges. The enquiry officer submitted his findings holding all the charges proved against the applicant. The finding of the enquiry officer was sent to the applicant and the applicant submitted his representation dated 30.10.2001 (Annexure A3). The disciplinary authority after taking into consideration the finding of the enquiry officer against the applicant imposed the penalty of removal from service on the applicant by order dated 26.2.2002 (Annexure A4). The applicant preferred an appeal against the order of the disciplinary authority. The appellate authority rejected the appeal vide order dated 5.6.02. The applicant thereafter preferred a revision petition which was also rejected by order dated 2/3-2-03. Hence the applicant has filed this OA.

4. During the course of the arguments, the learned counsel of the applicant has taken three grounds in his defence. He has stated that there were three persons involved in the same incident and one Pandey who was also involved in the same incident had been awarded a minor penalty by the respondents. This is a case of discrimination. The second ground taken by the learned counsel of the applicant is that there was no application of mind while imposing the penalty by the disciplinary authority, appellate authority and the revisional authority. Therefore, on this ground also, the orders passed by the appellate authority and the disciplinary authority are not sustainable., and are liable to be set aside. The counsel has also stated that the issues raised by the applicant in his representation had not been considered and disposed of while passing the impugned order. The third ground taken



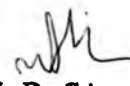
by the applicant's counsel is that the punishment is disproportionate.

5. The learned counsel for the applicant has submitted a copy of the representation dated 15.2.2002 which was submitted by the applicant in response to the show cause notice by the disciplinary authority, which is taken on record. We find that the applicant has raised a number of issues in this representation, which have not been discussed nor considered by the disciplinary authority before passing the order dated 26.2.2002. We also find that the orders passed by the disciplinary authority and the appellate authority are not speaking orders and that the said authorities have not discussed and considered the issues raised by the applicant in his representation.

6. In view of the above discussion and also facts and circumstances of the case, we are of the considered view that without going into the merits of the case, the matter should be remitted back to the revisional authority to consider all the issues raised by the applicant in his revision-petition dated 24.7.2002 (Annexure-A-7) and also treat this OA as part of the revision-petition, and take a decision by passing a speaking, detailed and reasoned order within a period of three months from the date of communication of this order, and thereafter communicate the same to the applicant promptly. Accordingly, the order passed by the revisional authority dated 2/3.2.2003 is quashed and set aside and the case is remitted back to the revisional authority.

7. In the result, the OA is disposed of with the above directions. No costs.

  
(A.K. Bhatnagar)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman.