

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 630 of 2003

Jabalpur, this the 29th day of October, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

S.K. Tripathi, aged 40 years,
S/o. Shri K.L. Tripathi, J.E.II/P.W.I./,
Junior Engineer (Rail Path) Ultra sonic Flaw
Detector, West Central Railway, Satna,
Resident of near Bus Stand, Behind Vivekanand
School, Satna.

Applicant

(By Advocate – Shri Ramesh Shrivastava)

V e r s u s

1. Union of India, through General Manager,
West Central Railway, Jabalpur.
2. Chief Engineer, West Central Railway,
Jabalpur.
3. Divisional Rail Manager,
West Central Railway, Jabalpur.

Respondents

(By Advocate – Shri H.B. Shrivastava)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the following main relief :

“8.2 The impugned orders may kindly be quashed and the applicant may kindly be exonerated from the punishments imposed.”

2. The applicant was working as Section Engineer with the respondents Railways. An enquiry was held against him and after conducting the enquiry the disciplinary authority has imposed the penalty of reduction to lower grade for a period of 2 years without loss of

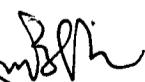


seniority with immediate effect, vide order dated 20th December, 2001 (Annexure A-2). Thereafter the Divisional Railway Manager, Jabalpur suo-moto has revised the order of the disciplinary authority dated 20th December, 2001 by passing order dated 30th May, 2002, whereby the punishment imposed by the disciplinary authority has been enhanced and punishment of reduction to lower grade i.e. 5000-8000/- for a period of 3 years with cumulative effect has been imposed on the applicant. It is also observed that under Rule 18, an appeal against this order lies to CE, CSTM and the appeal should be preferred in his own name and signature, within 45 days. The applicant has filed his appeal dated 15th July, 2002 (Annexure A-22) against the order dated 30th May, 2002 in time. When the appellate authority ^{did} ~~has not taken~~ any decision in his appeal, he ~~made~~ ^{sent} several reminders to the appellate authority but till now no decision has been taken by the appellate authority. Hence, he has filed this Original Application.

3. In the circumstances, we deem it appropriate to direct the appellate authority i.e. respondent No. 2 Chief Engineer, West Central Railway, Jabalpur to consider and decide the appeal of the applicant dated 15th July, 2002 (Annexure A-22) within a period of three months by passing a speaking, detailed and reasoned order and also giving the applicant ^{an} the opportunity of personal hearing. In case, the copy of the appeal is pending with the Divisional Railway Manager, Jabalpur i.e. respondent No. 3 he is directed to forward the same to the respondent No. 2 immediately.

4. Accordingly, the Original Application stands disposed of. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

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