

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1098 of 2000

Jabalpur, this the 17th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

Vinoy Kumar Roy, aged 48  
years, S/o. Shri B.C. Roy,  
Asstt. Station Master, Katni,  
Murwara Junction, r/o. 18/190,  
Gaytri Nagar, Katni (M.P.).

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India,  
Through its Secretary,  
Ministry of Railway,  
Railway Board, New Delhi.
2. General Manager, Central  
Railway, Mumbai CST, Mumbai.
3. COM (Revisionary Authority),  
General Manager's Office,  
Central Railway, Mumbai CST.,  
Mumbai.
4. Divisional Railway Manager (O),  
(Appellate Authority), Central  
Railway, Jabalpur (M.P.).
5. Sr. Divisional Operational  
Manager (Disciplinary Authority),  
Central Railway, Jabalpur  
(M.P.).

... Respondents

(By Advocate - Shri N.S. Ruprah)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"(b) Set aside the orders impugned dated 10.3.1999  
Annexure A-1, 26.3.1999 Annexure A-2 and dated  
2.11.2000 Annexure A-3.

(c) Command the respondents to restore all  
benefits to the applicant as if the impugned orders  
aforesaid are never passed."

2. The brief facts of the case as stated by the  
applicant are that the applicant is working as Assistant

Station Master at Katni. While he was working as such, he was issued a charge sheet under the provisions of Railway Servants (Disciplinary & Appeal) Rules, 1968. An enquiry officer was appointed to investigate into the charges. Out of three charges only one charge was proved. The finding of the enquiry officer was sent to the applicant to make his representation. He made his representation to the disciplinary authority and the disciplinary authority after taking into consideration his representation and the finding of the enquiry officer, imposed the penalty of reduction in pay with cumulative effect. The applicant has filed an appeal on 26.03.1999 against the order of the disciplinary authority. We find from the appeal made by the applicant that he has raised number of issues for the consideration of the appellate authority. From the order passed by the appellate authority, we find that the appellate authority has not considered the issues raised by the applicant in his appeal. There is also no application of mind by the appellate authority. Thereafter the applicant preferred a revision on 21.7.1999. The revision petition was also rejected by the revisional authority on 2.11.2000 (Annexure A-3). We find that the order passed by the appellate authority is only one sentence cryptic order. The same is not sustainable in the eye of law and is liable to be quashed.


3. Therefore, we without going into the merits of the case, set aside the order <sup>passed on 7.6.1999</sup> by the appellate authority. Once the order of the appellate authority is set aside the order passed by the revisional authority automatically goes and is accordingly quashed.

4. In view of the aforesaid, we direct the appellate authority to consider the appeal of the applicant

by passing a speaking, detailed and considered order within a period of three months from the date of receipt of copy of this order.

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


  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठांकन सं ओ/का.....जबलपुर, दि.....

प्रतिनिधि सभा के निम्न—

- (1) सचिव, राजा मन्मथराव साहू एजेंडामैन, जबलपुर
  - (2) अध्यक्ष, बी.पी.सी.ए.ए. के काउंसिल s. Paul
  - (3) जे.पी. सिन्हा, जे.पी. के काउंसिल Ms Ruprath
  - (4) कंसपल, जे.पी.ए.ए. के काउंसिल
- सूचना एवं आवेदन के संबंध में हेतु   
उप सचिव 22/2/04

*Final*  
*m*  
*23-2-04*