

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : INDORE

Original Application No.236 of 2000

Indore, this the 12th day of April, 2004

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

Lala Ram Lodha, Senior Section Officer,
Under Sr.Accounts Officer, W.Rly.
Survey & Construction Department,
Ratlam

- APPLICANT

(By Advocate - Shri A.N.Bhatt)

Versus

Union of India & others
through :

1. General Manager, Western Railway, Accounts
Office, Churchgate, Mumbai.
2. Chief Finance and Accounts Officer (Survey
& Construction) W.Rly., Headquarters Office,
Churchgate, Mumbai

- RESPONDENTS

(By Advocate - Shri P.K.Mendhe)

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-

"8.1 The punishment of withholding one increment
with future effect implicated by the
unauthorised disciplinary authority as marked
A/1 may kindly be quashed.

8.2 The orders of appellate authority passed on
date may also be quashed".

2. The applicant is working as Senior Section Officer
in the office of Senior Accounts Officer (S&C) department at
Ratlam. While working as such, the applicant was served with
a major penalty charge-sheet for carelessness, lack of
devotion to his duties and violation of Rule 3.1(ii) of
the Indian Railway Services (Conduct) Rules, 1966. An enquiry
was held against him. After holding the enquiry, the respondents
have imposed the penalty of stoppage of increment for one year
with cumulative effect on the applicant, vide order dated

Contd....2/-

12.2.1999 (Annexure-A-1). The applicant had filed his appeal in which a number of issues have been raised. The appellate authority vide its order dated 2.6.1999 (Annexure-A-2) has rejected his appeal. The appellate authority has not discussed any issues raised by the applicant while deciding the appeal. The order passed by the appellate authority is not a speaking order, in which the issues raised by the applicant have not been considered and discussed. The order passed by the disciplinary authority dated 12.2.1999 (Annexure-A-1) is also a cryptic order. Therefore, the orders passed by the disciplinary & appellate authorities are not sustainable.

3. In the result, without going into the merits of the case, we quash and set aside the orders passed by the disciplinary & appellate authorities dated 12.2.1999 (Annexure-A-1) and 2.6.1999 (Annexure-A-2) respectively. The disciplinary authority is at liberty to pass a fresh speaking order after taking into considerations the points raised by the applicant, within a period of three months from the date of communication of this order. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

rkv.

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अद्योचित:-
(1) सचिव, उच्च न्यायालय, उच्च न्यायालय, जबलपुर
(2) आवेदन की/प्रीति/.....के काउंसल
(3) प्रत्यक्षी की/प्रीति/.....के काउंसल
(4) कार्यपाल, जे.ए.ए.ए., जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

AN Bhatt
PK Mendhe

Subscribed
on
20/11/04

उप रजिस्ट्रार