

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT SITTING : BILASPUR

Original Application No.351 of 1999

Bilaspur, this the 8th day of December, 2003

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

Ch.G.K.Murty aged 54 years, son of Ch.Kankam,
Head Clerk, Bhilai Marshalling Yard, S.E.
Railway, Charoda, District Durg (M.P.). - APPLICANT
(Applicant in person)

Versus

1. Union Govt.of India,through the Secretary,
Department of Railways, Rail Bhavan,New Delhi.
2. Divisional Railway Manager, Bilaspur S.E.Railway.
3. Senior Divisional Mechanical Engr. S.E.Railway,
Bilaspur.
4. Addl.Divisional Railway Manager-II,S.E.Railway,
Bilaspur.
5. Chief Mechanical Engineer, Garden Reach Calcutta-43
S.E.Railway, Calcutta - RESPONDENTS

(By Advocate - Shri M.N.Banerji)

O R D E R (Oral)

By G.Shanthappa, Judicial Member -

The applicant has filed the above application for seeking a relief to quash the punishment orders Annexures-A-1, A-2 & A-3 and also for a relief of directing the respondents to restore the applicant to the post of O.S.Gr.II with difference of pay together with interest at the rate of 18% and also cost of this litigation of Rs.10,000/-.

2. The brief facts of the case are that a charge sheet was issued to the applicant, on which department enquiry proceedings were initiated. After supplying a copy of the enquiry report and other necessary documents, the applicant submitted his objection. After considering the objection and other relevant material, the disciplinary authority has passed the order of punishment dated 2.4.1998(Annexure-A-1) imposing the punishment of reversion to the post of Head Clerk in the pay scale of Rs.5000-150-8000 at a basic pay of Rs.6200/-for two years with non-cumulative effect. Being

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aggrieved by the said order, the applicant preferred an appeal to the appellate authority. The appellate authority has issued a show cause notice to the applicant on 3.6.1998 for enhancing the punishment. Against the said show cause notice, the applicant submitted his representation dated 12.6.1998. After considering his representation, the ADRM has passed the order dated 13.7.1998 (Annexure-A₂) enhancing the punishment to reversion to the post of Head Clerk in the pay scale of Rs.5000-150-8000 at basic pay of Rs.5000/- for two years with cumulative effect. Against the said order the applicant preferred an appeal before the appellate authority i.e. the Chief Mechanical Engineer, who after considering all the documents on record has passed the order confirming the earlier order of punishment. While passing the order, the appellate authority has not passed a detailed and reasoned order. Hence, it is contended, that the order of the appellate authority is cryptic which ^{is} violative of principles of natural justice, therefore, the same is liable to be quashed.

3. The respondents have filed their detailed reply contending that the authorities have considered all the facts of the case and thereafter only the authorities have passed the orders. The respondents have supported the orders of punishment passed by the disciplinary & appellate authorities.

4. After careful consideration of the documents on record and hearing the applicant, who was present in person, and counsel for the respondents, we came to the conclusion that the appellate authority has not passed a reasoned and detailed order, ~~and~~ ^{only} on that ground we quash the impugned order dated 10.2.1999 (Annexure-A₃) directing the appellate authority to pass a detailed and reasoned order considering the objections raised by the applicant in this OA as well as before the disciplinary authority.

5. In the result, the OA is partly allowed. The impugned order dated 10.2.1999 (Annexure-A₃) is quashed

and the appellate authority i.e. the Chief Mechanical Engineer is directed to pass a detailed and reasoned order considering all the aspects from the stage of the enquiry report, within a period of two months from the date of communication of this order. No costs.

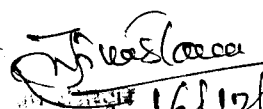

(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

rkv.

पुस्तकालय सं. ओ.ए.ए. जलवायु, वि.

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(3) ...
(4) ...
... MN Banjee, Hdv.


16/12/03

Received
- 16.12.03