

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 1344 of 2013

Date of order: 4.5.2016

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Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

MALAY KR. GHOSH

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Mr. B.R. Das, Counsel

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

O R D E R (Oral)

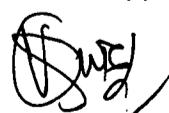
Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the parties.

2. The applicant in this case was punished by the disciplinary authority after conclusion of departmental proceedings against the applicant by reducing his pay to one stage as is evident from the order dated 7.1.2009 passed by the Divisional Finance Manager. He preferred departmental appeal but while deciding the appeal the Appellate Authority did not take into consideration the RBE No. 168 of 2002 which requires that the appellate authority has to consider the case on merit being the authority to deal with the factual as well as the legal controversies and aspects of the matter. The order of appellate authority dated 1.7.2010 is a cryptic one and does not comply the direction of RBE No. 168 of 2002.

3. Ld. Counsel for the respondents could not substantiate that the order of the appellate authority was in conformity with the aforesaid RBE.

4. Hence, we are of the view that the appellate order dated 1.7.2010 is liable to be set aside and appellate authority may be directed to hear the applicant and



pass a reasoned and speaking order after making out the points raised by the applicant in his appeal within a period of three months from the date of communication of this order. Accordingly, this O.A. is decided in the aforesaid terms with no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP