

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA No. 050/000/597 of 2018 with M.A./050/285/2018**

Date of order 17.07.2018

**CORAM**  
**HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)**  
**HON'BLE MR. JAYESH V. BHAIRAVIA, MEMBER (J)**

Roshan Kumar, S/o Sri (Dr) Rajendra Prasad Singh, R/O Diesel Loco Shade, Samastipur, P.O.-Samastipur, P.S.-Samastipur, District-Samastipur.

..... Applicant.

**By advocate: Sri Rakesh Kumar Sinha.**

Verses

1. The Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi. PIN-110001 (India).
2. General Manager East Central Railway, Hajipur, Bihar, PIN-844101.
3. Divisional Railway Manager, East Central Railway, Samastipur, Bihar, PIN-848101.
4. Additional Divisional Rail Manager, East Central Railway, Samastipur, (Bihar), PIN-848101.

..... Respondents.

**By advocate: Sri S.K. Ravi, Ld. Standing Counsel for the Railways.**

**ORDER (ORAL)**

**Per Mr. K.N. Shrivastava /M (A):-**

**M.A. No./50/285/2018**

Through this M.A. the applicant has prayed for condonation of delay in filing the OA. It is noticed that the Disciplinary Authority passed its Annexure-A/5 Order on 09.05.2015 which was affirmed by the Appellate Authority vide its order dated 06.10.2015 (Annexure-A/7). Both orders are impugned in this OA for reasons stated in this MA, which is duly supported by an affidavit, the M.A., which is allowed. The delay in filing the OA is condoned.

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2. The applicant is presently working as Junior Engineer (Mechanical) Diesel Loco Shed, Running Section, Samastipur. It would appear from Annexure-A/3, the charge memo that although the applicant was declared fit for travelling on 08.11.2014 itself but instead of reporting for duty on 09.11.2014, he reported a later day. For this act, he was issued the Annexure-A/3 charge memo by the competent authority which ultimately culminated in passing of Annexure-A/5 penalty order dated 09.05.2015 withholding 04 sets of passes of the applicant. This order has been passed by Sri M.K. Roy, Sr. DME, Diesel Shed, Samastipur. The applicant submitted Annexure-A/6, appeal dated 15.09.2015 before the ADRM, Samastipur. However, the appeal has been disposed of by the ADRM, Samastipur but the decision of the Appellate Authority, dismissing the appeal has been communicated to the applicant by the Disciplinary Authority itself i.e. respondent no.5, Shri M.K. Roy Sr. DME, Diesel Loco Shed Samastipur. Vide Annexure-A/7 letter dated 06.10.2015 the Annexure-A/7 is legally untenable. The Appellate Authority ought to have passed the appellate order by itself in discharge of its statutory function.

3. In the conspectus, we quash and set aside Annexure-A/7, the communication dated 06.10.2015 with a direction to the ADRM, Samastipur, i.e. Appellate Authority to reconsider the appeal and pass a reasoned and speaking order dealing with all the issues raised in the Annexure-A/6, appeal of the applicant. This shall be done within a period of 3 months from the date of receipt of a copy of this order.

4. The OA accordingly stands disposed of.

[ Jayesh V. Bhairavia ]M(J)

[ K.N. Shrivastava]/M(A)

BP/