

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA 754/2015

This the 03rd day of September, 2019

Hon'ble Mr. Pradeep Kumar, Member (A)

Hon'ble Mr. R.N. Singh, Member (J)

Rajeev Kumar Sharma

Age 51 years,

S/o Late Mohan Lal

Chief Reservation Supervisor

Norther Railway

Roorke

R/o 81/C, Gali No. 3,

Khanna Nagar,

Jwala Nagar, Haridwar.

...Applicant

(By advocate: Ms. Meenu Mainee)

Versus

Union of India: Through

1. General Manager,
Northern Railway
Baroda House, New Delhi
2. Chief Commercial Manager
Northern Railway
Baroda House, New Delhi
3. Divisional Railway Manager
Northern Railway
Moradabad

...Respondents

(By advocate: Sh. Shailender Tiwari)

ORDER (ORAL)

By Hon'ble Mr. Pradeep Kumar, Member (A),

Heard learned counsel for the parties.

2. In the instant case, the applicant was imposed certain punishment by Disciplinary Authority vide order dated 25.02.2014. The appeal of the applicant was rejected by the Appellate Authority, vide its order in June 2014 and thereafter, the Review Petition by the Reviewing Authority vide order dated 14.10.2014.

3. While making a Revision Petition on 30.06.2014, the applicant had brought out that he had requested to the Appellate Authority that he be given a personal hearing before deciding his case. It is seen from the orders of the Appellate Authority, that there is no mention whether any personal hearing was granted to the applicant by the Appellate Authority.

4. Learned counsel for the respondents drew our attention to a few judgments of the Hon'ble Apex Court wherein it was held that to sustain violation of principles of natural justice one must establish that prejudice has been caused to him for non-observance of principles of natural justice and the respondent's counsel desired some time to seek actual facts of the case.

5. Matter has been heard. Since the Appellate Authority's order is not indicating about personal hearing or any other

ground considered in the order passed by Appellate Authority dated June 2014 and by the Review Authority dated 14.10.2014, the same are set aside and the matter is remitted back to the Appellate Authority for re-consideration of the same and for passing reasoned and speaking order within a period of three months from the date of receipt of a certify copy of this order.

6. The OA is accordingly disposed of with above directions. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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