



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 1977 of 2015

Date of order: 15.1.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

CHARAN CH. HANSDA

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Mr. S.S. Roy, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

This is the second journey of the applicant before this Tribunal. Earlier he had filed O.A. No. 350/00635/2015 assailing a penalty order dated 17.2.2014 and appellate order dated 23.9.2014 on the ground that they were unreasoned and cryptic. This Tribunal while hearing out the O.A. on 9.6.2015 quashed both the penalty order as well as the appellate order and remitted the matter back to the disciplinary authority to consider the case and pass order in accordance with rules and law leaving all points open for the said authorities to consider.

2. In the present O.A. the applicant has assailed an order dated 1.9.2015 issued by the appellate authority being the Sr. Divisional Operating Manager, Sealdah, who has reduced the punishment from reduction to a lower grade of his basic pay and grade pay to initial basic pay and grade pay for five years with cumulative effect to 2 years with cumulative effect. Inasmuch as the penalty order was quashed by Tribunal and the order was not challenged higher up having attained finality with the penalty order not being there, in our considered opinion the appellate authority could not have applied his mind whether the applicant deserved the penalty at all and whether it required to be reduced.

3. Therefore, in the interest of justice, the order impugned dated 1.9.2015 i.e. the order passed by the appellate authority, in absence of any penalty order, is quashed with liberty to the respondents to act in terms of the order passed in the earlier O.A.

4. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)
MEMBER(A)

(Bidisha Banerjee)
MEMBER(J)

SP