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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

O.A. No.69/2003

New Delhi, this the 9th day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V. Srikantan, Member (A)

J.J. Singh,
S/o Shri Puran Singh,
Dy.Chief Operation Manager,
Freight Operation Information System,
CRIS Camp,
Chanakaya Puri,
New Delhi.

Residential Address

J.J. Singh,
Suit 'D', Railway Rest House,
Minto Bridge,
New Delhi.

....Applicant

(By Advocate : Shri G.D. Bhandari)

Versus

Union of India, through

1. The Chairman,
Railway Board,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

...Respondents

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J) :

Heard Shri G.D. Bhandari, learned counsel for
the applicant.

2. The applicant is aggrieved of by the penalty
order dated 17.6.2002 which has been issued by the
Railway Board. Para 7 of the said order reads as
under:-

"7. Shri J.J. Singh has a right to prefer an
appeal against the aforesaid orders of the
Railway Board to the President of India within

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a period of 45 days from the date of receipt of these orders under Rule 18 read with Rules 20 and 21 of the R.S.(D&A) Rules, 1968."

3. In terms of the aforesaid provision in the impugned order, learned counsel has submitted that ~~the~~^{rs} detail appeal has been submitted by the applicant on 22.7.2002, a copy placed at Annexure A/3. No reply has been given by the appellate authority in terms of the aforesaid order. ~~the~~^{rs} number of objections have been taken by the learned counsel for the applicant, including the issue of competency of the Railway Board/General Manager to issue the penalty order dated 17.6.2001. He has submitted that in the main order, the respondents have referred to the General Manager as ~~the~~^{rs} disciplinary authority, who is competent to institute disciplinary proceedings against the applicant for major penalty but the penalty itself has been imposed by the Railway Board and not the General Manager. He has further submitted that all the grounds relating to validity of the impugned order have been taken in the appeal to the Hon'ble President of India in terms of the aforesaid para 7 of the impugned order.

4. In the facts and circumstances of the case, we consider that, in the interest of justice, even without issuing ~~the~~^{rs} notice to the respondents, the application can be disposed of with the following directions:-

The appellate authority referred to in the impugned order dated 17.6.2002 shall dispose of the pending appeal of the applicant dated 22.7.2002 by passing a reasoned and

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the respondents, CP 191/2003 is dismissed. Notices issued to the alleged contemnors are discharged. File be consigned to the record room.



(R.K.Upadhyaya)
Member (A)



(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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