



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**OA No. 1942/2014**

This the 11<sup>th</sup> day of December, 2019

**Hon'ble Mr. S.N. Terdal, Member(J)**

**Hon'ble Mr. A.K. Bishnoi, Member (A)**

Ashish Kumar Prabhakar  
S/o Sh. Mahesh Prashad  
Aged 37 years  
Working as Ticket Examiner  
At Northern Railway Examiner, Bareilly  
R/o 290/292, Pandey Ka Talab  
Rajinder Nagar, Lucknow (U.P.).

...Applicants

(By Advocate : Mr. Yogesh Sharma)

**Versus**

1. Union of India through The General Manager  
Northern Railway, Baroda House, New Delhi.
2. The Chief Commercial Manager/PS  
Northern Railway, Baroda House, New Delhi.
3. The Additional Divisional Railway Manager  
Northern Railway, Moradabad Division, Moradabad.
4. The Senior Divisional Commercial Manager  
Northern Railway, Moradabad Division, Moradabad.
5. The Divisional Commercial Manager  
Northern Railway, Moradabad Division, Moradabad.

...Respondents

(By Advocate: Mr. Shailendra Tiwary)

**ORDER (ORAL)**

**Mr. S.N. Terdal :**

Heard Mr. Yogesh Sharma, counsel for applicant and Mr. Shailendra Tiwary, counsel for respondents, perused the pleadings and all the relevant documents.

2. At the time of hearing, we have noticed that the appellate authority has issued a show cause notice proposing enhancement of the punishment imposed by the disciplinary authority by order dated 06.11.2012. The applicant sought 30 days additional time to file reply to the said show cause notice on the ground that defense helper's daughter's marriage. The

additional time was not granted. The applicant filed the appeal. The appellate authority dismissed the appeal only on the ground of delay. Thereafter, the applicant filed a revision petition which was dismissed by the revisional authority saying that both the disciplinary and the appellate authorities have considered the appeal on merit. The relevant portions of the orders of appellate authority dated 03.07.2013 and revisional authority dated 31.01.2014 are extracted below :

“अपील समय सीमा के बाद दी गई है अतः विचार योग्य नहीं है।”

“...Moreover the point raised by you in your Review Appeal already been considered by DA and AA. It appears that you are habitual and has repeated the misconduct. In order to impress upon the need of improvement in your conduct I am of the opinion that punishment imposed at present is according to the malafide behavior of staff. Hence, I find no reason to reduce penalty imposed by DA/AA.”

3. In the facts and circumstances narrated above, the order of the appellate authority is bad in law as it is passed only on ground of delay and the order of the revisional authority is also bad in law to the extent that the appellate authority has not considered the appeal of the applicant on merit.

4. In view of above, we allow the OA to the extent that the order passed by the appellate authority dated 03.07.2013 and the order passed by revisional authority dated 31.01.2014 are set aside and we remand the matter back to the appellate authority to consider the appeal filed by the applicant dated 03.04.2013 on merit as per law and pass a reasoned and speaking order within three months from the date of receipt of certified copy of this order. No order as to costs.

**(A.K. Bishnoi)**  
**Member (A)**

**(S.N. Terdal)**  
**Member (J)**

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