

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI

O.A.No.289 of 1989

New Delhi, this the 11th day of April, 1994.

Hon'ble Mr B.N.Dhoundiyal, Member(A)

Hon'ble Mr B.S.Hegde, Member(J)

Bishan Swaroop, working as Train Lighting Fitter,
in the office of Northern Railway,
Rewari. Applicant.

(through Mr V.P. Sharma, Advocate).

vs.

1. Union of India, c/o The General Manager,
Northern Railway, Baroda House, New Delhi.
2. The A.D.R.Manager,
Northern Railway, Bikaner.
3. Divisional Electrical Engineer,
Northern Railway, Bikaner.
4. Senior Electrical Foreman(TL)
Northern Railway, Rewari.
5. Sh.Paryag Narayan, Electrical Chargemen,
Northern Railway, Rewari. Respondents.

Order(oral)

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A)

The applicant had earlier come to this Tribunal by means of O.A.No.549/88. While posted as Train Lighting Fitter, he was awarded a penalty of withholding of increment temporarily for two years. He preferred an appeal against that order, which was rejected with a cryptic order "punishment sustained". The Tribunal noted that the appellate authority seems to have a printed proforma for the purpose of passing orders on appeals and made the following observations:

" It is rather disconcerting to note that inspite of several judgments of the High Court, the Supreme Court and of this Tribunal, stressing

4

the need to record a speaking order, the appellate authorities fail to grasp this elementary principle required to be observed by them. We hope that to avoid waste of public time and money at least in future, the dicta that appeals should be disposed off by a speaking order laid down by the Supreme Court would be scrupulously observed. In this view of the matter, we do not propose to enter into the merits of the applicant's claim and direct the appellate authority to consider the appeal afresh on merits and dispose of the same by a speaking order."

2. The respondents have issued an order on the appeal dated 17.10.1988. Again a printed proforma has been used and the cryptic observations made in the earlier order has been extended to the following limited extent.

" as all evidence indicates his refusal to carry out work allotted by his superior, inspite of tools and work being available, the punishment of W.I.T. for two years is sustained in appeal."

3. The applicant had mentioned that he was not on duty on the day he is reported to have dis-obeyed the orders. The allegation of not watering the cells was wrong and was denied as the water plant was not working. None of these points have been touched in the appeal. The O.A. is accordingly allowed and the impugned order dated 17.10.1988 is hereby quashed. The respondents are directed to dispose of the appeal by recording a speaking order by touching all the points raised in the appeal submitted by the applicant. This order shall be implemented by the respondents within a period of two months from the date of communication.

4. There will be no order as to costs.

(B. S. Hegde)
Member(J)

(B. N. Dhoundiyal)
Member(A)