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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
T.A. No.

549/

1988

DATE OF DECISION 4th May, 1988.

Bishan Swroop

Petitioner

Shri V. P. Sharma

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri O. N. Moolri

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether to be circulated to other Benches? *No*

kaushal

(KAUSHAL KUMAR)
MEMBER (A)
4.5.1988.

K. Madhava Reddy

(K. MADHAVA REDDY)
CHAIRMAN
4.5.1988.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 549/1988.

DATE OF DECISION: 4th May, 1988.

Bishan Swroop Applicant.

V/s.

Union of India & Ors. .. Respondents.

CORAM: Hon'ble Mr. Justice K. Madhava Reddy, Chairman.
Hon'ble Mr. Kaushal Kumar, Member (A).

For the applicant Shri V.P. Sharma, Counsel.

For the respondents Shri O.N. Moolri, Counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman.)

JUDGMENT

The applicant who had joined the Railway Department in the year 1986 while posted as Train Lighting Fitter, was visited with the penalty of withholding of increments temporarily for two years. He preferred an appeal against that order, which was rejected with a cryptic order "Punishment sustained". In fact, the appellate authority seems to have a printed proforma for the purpose of passing orders on appeals, and it reads as under: -

" NORTHERN RAILWAY
BIKANER DIVISION
ORDER ON THE APPEAL

Vid. /Anu/Bishan Saroop/95 Dated 05/08/87.

Bishan Saroop TLF

Through SEFO/TL/RE.

With reference to your Appeal dated Nil addressed to ADRM / BKN against the order of DEE/BKN imposing the penalty of WIT for two yrs on you and the -- personal hearing granted to you by -- you are hereby informed that ADRM / BKN has passed the following orders.

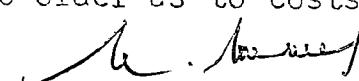
(ORDER
"Punishment sustained."

Sd/- DEE / BKN
05/08/87. "

[Signature]

2. It is seen that in disposing of the appeal, merely blanks in the proforma have been filled up. In passing the order on appeal, neither the charges levelled against the employee, nor the plea taken in defence nor the oral and documentary evidence adduced in support of the charges are referred to. Although a minor penalty was imposed, nonetheless in disposing of the appeal, the appellate authority has to consider all the relevant circumstances including the plea taken in defence and record a speaking order. It is rather disconcerting to note that in spite of several judgments of the High Court, the Supreme Court and of this Tribunal stressing the need to record a speaking order, the appellate authorities fail to grasp this elementary principle required to be observed by them. We hope and trust 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.

3. This appeal is accordingly allowed and the directions as stated above shall issue. The appeal shall be disposed of by the appellate authority within three months of the receipt of this order. There shall be no order as to costs.



(KAUSHAL KUMAR)
MEMBER (A)
4.5.1988.



(K. MADHAVA REDDY)
CHAIRMAN
4.5.1988.