

**GENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.**

REGN. NO. 04/13/88/1034.

Please present. - Applicant in person.

In view of the Advocate's strike, the case is adjourned.

Call on 17.3.1988.

BY ORDER

***FB*
COURT OFFICER**

19.2.1988

28-3-88

Applicant in person.

Call on 22-4-88.

BB

BB
22-3-88

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 1308/1987.

April 22, 1988.

Shri Bodh Raj Sharma ... Applicant.

vs.

General Manager, N.Rly. & Ors ... Respondents.

CORAM:

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

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri S.K.Bisaria, counsel.

For the respondents ... Shri B.K.Aggarwal, counsel.

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

This is an application under Section 19 of
the Administrative Tribunals Act, 1985, calling in
question the orders dated 10.2.1987 (Annexure 2) and
27.5.1987 imposing the penalty of removal from service.

As provided under Rule 18 of the Railway Servants
(Discipline and Appeal) Rules, 1968, the applicant
preferred an appeal. That appeal is said to have
been rejected on 27.5.1987 in the following words:

"Confidential Divisional Office
New Delhi.

No.Vig./219/85/Comm. Dated 27.5.1987.

Index/134 A

Shri Bodh Raj Sharma,
ex TCR/SRE.

(Through SS/NR/SRE)

Sub:- Allegation against you.

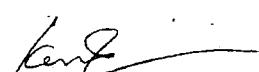
Ref:- Your appeal dt. 11.5.87.

...

Sr.DCS/NDLs has carefully considered
your appeal. He has upheld the decision
of DCS/NDLs and rejected your appeal.

This is for your information.

Sd/-DCS/NR/NDLs. "



This is a wholly non-speaking order. As is evident from this order, neither it refers to the charges levelled against the applicant nor the plea raised in defence nor evidence in support of the defence. The order does not disclose whether the appellate authority has applied its mind to the several contentions raised by the applicant as regards the irregularity in the procedure and the lack of evidence ~~not being sufficient~~ to establish the charges. It has been repeatedly laid down by the Supreme Court/ High Courts and by this Tribunal also that the appellate authority should dispose of the appeal on merits by a speaking order. The disposal of this appeal does not disclose that any of these decisions have been kept in view. We have, therefore, no option but to quash the appellate order and direct the appellate authority to hear and dispose of the appeal expeditiously and in any case not later than three months from the date of receipt of this order. This application is accordingly allowed.

If the applicant is aggrieved by any order passed in the appeal, nothing said herein will stand in his way of moving the Tribunal once again.


(Kaushal Kumar)
Member
22.4.1988.


(K. Madhava Reddy)
Chairman
22.4.1988.