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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.58/1989 (1990).

New Delhi, This the 3rd Day of June 1994

Hon'ble Shri J P Sharma, Member(J)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

Shri Tara Chand S/O Shri Pyare Lal
R/O A-582/2, Shastri Nagar, Delhi-52.

By Applicant in person

...Applicant

Versus

1. General Manager
Northern Railway
Baroda House,
New Delhi.

2. Union of India
Ministry of Railways,
Govt of India,
Through its Secretary

3. The Divisional Commercial Superintendent
Northern Railway
Ambala.

...Respondents

By None

O R D E R (Oral)

Hon'ble Shri J P Sharma, Member(J)

1. The applicant was serving as Senior Booking Clerk in Ambala Cantt when he was served with a memorandum of chargesheet dated 24.12.1986 with the allegations that he raised a subscription of Rs.10 from the Railway employees of Nizamuddin Railway Station for an unrecognised Union namely Delhi Railway Mazdoor Sangharh Samiti on 8-2-86 and issued the money receipts No. 269, 272 to 274 under his signature. As such

he committed violation of provision of Rule 12 of Railway Service Conduct Rules 1966. The second charge was that he visited Nizamuddin Railway Station after 1982 and made collections on 8.2.86. The applicant pleaded not guilty to the aforesaid charges. One Shri D D Mishra was appointed as the Enquiry Officer and by the Enquiry Report dated 16-9-87 the applicant was found guilty of the aforesaid charges. An order dated 2.5.1987 was passed by the disciplinary authority withholding of three increments with cumulative effect. The applicant was not given the copy of the same. Aggrieved by this the applicant filed an application under section 19 of the Administrative Tribunals Act challenging the action of the Divisional Rly Manager, Delhi in passing the order dated 10.11.1987. The applicant got the copy of the order in the Tribunal on 2.11.88 and thereafter preferred an appeal to Senior D.S.C, Northern Railway. The Senior D.S.C disposed of the appeal on 26.12.88 though in the copy of the D R M Office Ambala letter filed by the applicant the date is shown as 27.6.88. The Senior D.S.C has dismissed the appeal which reads as under:-

"Your above cited appeal has been considered by Sr. D.C.S./UMB. But the same has been rejected."

The applicant again preferred a Review Petition to the A.D.R.M., Northern Railway, Ambala Cantt. which was not disposed of till the filing of the application as well as till the reply filed by the respondents in July 1990.

2. The applicant is present in person. None present on behalf of the respondents. We find that the Appellate Authority did not apply the mind and by one line order rejected the appeal of the applicant which runs into one full scape page. He has taken a number of grounds also to a statement made by Shri S.D.Gupta. He has also taken a ground that all these had been done at the behest of Shri Suri, SS Nizamuddin who has engineered this case against him.

3. The administrative orders of quasi judicial nature should give a speaking order to show that the Appellate Authority has not arbitrarily disposed of the appeal without going into the relevant records and the grounds taken in the memorandum of appeal. Telegraphic order should be judicious to be passed by an appellate authority. The Revising authority could have considered the matter also. But we are unaware of the disposal of this Revision which was not disposed of till July 1990 when the counter was filed by the respondents.

4. In the Ramachandra's case reported in 1986(2) SLJ page 249 the Hon'ble Supreme Court in the case of a similarly situated employee who after punishment imposed by the disciplinary authority preferred an appeal and the appeal was disposed of by a cryptic non-speaking order, considered the matter and observed that the Appellate Authority should pass a speaking and reasoned

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order in conformity with Rule 22(2) of the Railway Services (Disciplinary Appeal) Rules, 1968 or Rule 27(2) of the CCS (CCA) Rules, 1965. There are similar other judgements given by the Apex Court where the law laid down is that the Administrative Authority who has been entrusted under a statute the power of disposing of any statutory appeal should exercise that power in a judicious and reasonable manner. Similar is the case here where appellate authority did not exercise its authority fairly. In view of the above facts the order of the Appellate Authority cannot be sustained. We have also considered the issue that the applicant has since retired on 31-10-91. There is no other alternative but to remit the matter to Appellate Authority to dispose of the appeal as directed hereunder.

5. The application is partly allowed. The Revision filed by the applicant before the A.O.R.M will abate and if any order has been passed that order also stands quashed. The order of the Appellate Authority dated 27-12-88 is quashed and set aside with the direction that the Appellate Authority shall after giving personal hearing to the applicant dispose of the appeal filed by the applicant dated 7-6-88 by a speaking, reasoned and detailed order clearly exposing the grounds taken by the applicant and also to review the punishment imposed by the disciplinary authority by the order dated 2-5-88. In case the applicant is again aggrieved by the order of the Appellate Authority, he shall have the liberty, if so advised, to assail the same for judicial review according to law. The application

is disposed of in the above lines. The appellate authority to dispose of the appeal in three months from the date of the receipt of the copy of this order. No costs.

P. T. Thiruengadam

(P.T.THIRUVENGADAM)
Member(A).

J. P. Sharma

(J.P.SHARMA)
Member(J)

'LCP'