

AB 11

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 9th day of February, 1996.

CORAM : Hon. Mr. S. Das Gupta, Member-A,
Hon. Mr. T. L. Verma, Member-J

ORIGINAL APPLICATION NO. 816 of 1987

Shri Hira Lal Box Porter Northern Railway,
Allahabad son of Mool Chand resident of
C/o. Shri Hari Shankar Srivastava, 6C Cooper
Road, Allahabad.Applicant.

(BY ADVOCATE SHRI SUDHIR AGARWAL)

Versus

1. Union of India
2. G.M.N.Rly. Baroda House,
New Delhi.
3. D.O.S.N.Rly, Nawab Yusuf
Road, Allahabad.
4. A.O.S.N.Rly Nawab Yusuf Road,
Allahabad.

..... Respondents.

(BY ADVOCATE SHRI A.V.SRIVASTAVA)

O R D E R (Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This application was filed under Section 19 of the Administrative Tribunals Act, 1985 challenging an order dated 28.7.1986 by which the penalty of removal from service was imposed on the applicant and order dated 6.10.1986 by which the order of the appellate authority dated 24.9.1986, rejecting the appeal of the applicant was communicated. The applicant has prayed for that both these orders be quashed and he be reinstated in service with all consequential benefits.

Wf

AB 12

-2-

2. During the course of argument, learned counsel for the applicant stated that he would ~~constrain~~^{restrict} his arguments with regard to the infirmity in the appellate order itself. His contention was that the appellate order is totally non-speaking and is thus ^{not only} violative of principle of natural justice but, also of the mandatory provisions, contained in Rule 22(2) of the Railway Servants(Discipline & Appeal) Rules. He brought to our notice the decision of Hon'ble Supreme Court in case of Ram Chandra reported in A.I.R. 1986(S.C.) 1173.

3. We have carefully gone through the decision of Hon'ble Supreme Court. In the case of Ram Chandra it has been held that the appellate authority must consider certain aspects of the disciplinary proceedings and thereafter come to final conclusion. These aspects are specifically laid down in Rule 22(1) *ibid*. It has also been held therein that it would be expedient in the interest of justice to give a personal hearing ~~for~~ the appellant.

4. It is clear from a perusal of the appellate order that it is totally non-speaking and the various aspects which are required to be considered in terms of rule 22(2) of the Rules do not appear to have been considered on the face of the appellate order. It has also been contended that the applicant had requested for personal hearing and this was denied without indicating any reason therefor. This has not been controverted by the respondents.

W.C.

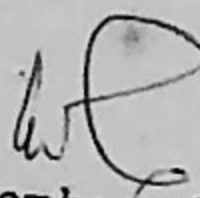
AB
3 (13)

-3-

In view of the foregoing, we find that the appellate order dated 24.9.1986 communicated by order dated 6.10.1986 is bad in law and the same is therefore quashed. We remit this matter to the Appellate Authority for reconsideration of the appeal in accordance with law and keeping in view the principles laid down by Hon'ble Supreme Court in Ram Chandra's case (supra) within a period of three months from the date of communication of the order.

5. This application is disposed of with the above direction. There will be no order as to cost.


Member-J


Member-A

Dated : Allahabad Feb. 9.1996.

(pandey)