

Compulsory
Petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(2)

O.A. No. 141/92
~~KA No.~~

DATE OF DECISION 25.3.1992

I.M. Arab Petitioner

Mr. P.K. Handa Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr. R. Venkatesan : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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I.M. Arab

..... Applicant

Vs.

1. Union of India,
Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi.
2. General Manager,
Western Railway,
Churchgate,
Bombay- 400 020
3. Divisional Railway Manager,
Western Railway,
Pratapnagar,
Vadodara- 390 004.
4. Senior Divisional Commercial Supdt.
Western Railway,
Pratapnagar,
Vadodara- 390 004.

..... Respondents

Mr. P.K. Handa : Learned advocate for the applicant
is present.

O R A L J U D G M E N T

O.A./141/92

Date: 25.3.1992

Per: Hon'ble Mr. R. Venkatesan : Member (A)

De The applicant in ^{the} present case, was subjected
to disciplinary proceedings for failure to account for
the sale of a monthly season ticket sold by him on
20.12.88 on that very date, but only belatedly on 29.12.88.
An enquiry was conducted and the penalty of compulsory

Be ...3...

(4)

retirement was imposed upon him. The learned counsel for the applicant submits that there were various infirmities in the disciplinary proceedings, which have been set out in the application.

2. An appeal against the order of compulsory retirement to the appellate authority, viz the Senior Divisional Commercial Supdt, Vadodara, was submitted by the applicant on 4.3.1991, and was rejected by the said authority by an order dated 26.3.1991 in the following terms:

"There is nothing in the appeal which merits consideration. No new point has been brought out. Thus regretted. "

The counsel for the applicant submits that the above order gives no reasons for rejecting the appeal and is therefore bad in law.

3. The learned counsel for the respondents concede that the order of the appellate authority is a non-speaking one.

4. Although the appeal submitted by the applicant has not been ~~appended~~^{added} to the application, applicant's counsel contends that the appeal gave various points which had not been considered by the appellate authority.

...4...

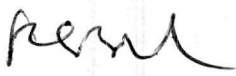
We accept this contention, which is not denied by the respondents' counsel.

5. It is a principle of natural justice that in a decision in^a judicial or quasi-judicial proceedings~~g~~, the party is entitled to know the reasons for the decision. This principle~~s~~ would apply to disciplinary proceedings, which are quasi-judicial in nature, and has been violated by the appellate authority in passing the mentioned order.

6. In the result, we set aside the order of the 4th respondent, the appellate authority, dated 26.3.1991 as prayed for by the applicant. We further direct the 4th respondent viz the Senior Divisional Commercial Supdt. Vadodara, who is the appellate authority, to consider the appeal of the applicant afresh and to pass a speaking order and any further orders ^R ~~if any~~ that may be necessary ^{after} ~~therefore~~, within a period of three months of the date of receipt of this order.

7. The application is disposed of as above at the stage of admission. There will be no order as to costs.


(R. Venkatesan)
Member (A)


(R.C. Bhatt)
Member (J)