

O.A.No. 26 OF 2001

ORDER DA TED 23-7-2002.

The Applicant, who is working as Deputy Chief Engineer (Construction/Co-ordination) of South Eastern Railways, (Chandrasekharpur) Bhubaneswar has filed this Original Application, under Section 19 of the Administrative Tribunals Act, 1935 challenging the adverse entries (for the year ending 31-3-2000) communicated to him in letter, under Annexure-3, dated 08-08-2000 and the letter under Annexure-6-A, dated 07-11-2000 of the Appellate Authority drawn in reply to the appeal petition preferred by him.

At the outset, during the course of argument, it is submitted by the Learned Counsel for the Applicant that while writing the Adverse CCRs for the year ending 31-03-2000, neither the instructions/guidelines prepared/issued by the Respondents/Railways have been followed meticulously nor any short comings have been pointed out to the Applicant as required to be done before/during recording of the CCR. Further, it is submitted by the Learned Counsel for the Applicant that even though the Applicant had specifically pointed out these facts in his Appeal to the Appellate Authority, without going through the same, the Appeal, in question, has been rejected in a cryptic/bald order; which would be evident from the communication made to the Applicant on 7-11-2000, under Annexure-6-A.

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Heard Mr. Chand, Learned Counsel for the Applicant and Mr. B. Pal, Learned Senior Counsel appearing for the Railways and perused the records.

On reading the counter filed by the Respondents, it is evident that no reason has been given by the Respondents in regard to the rejection of the Appeal preferred by the Applicant. On a bare reading of the communication dt. 7-11-2000, under Annexure-6-A, it is crystal clear that the same is a cryptic one and no reason has been assigned as to why the appeal of the Applicant has been rejected.

In a democratic set-up, it is always expected that the action of the Authorities must be transparent and while dealing with the grievance of a subordinate officer, the higher authorities must record its reason for allowing or disallowing the particular grievance of an employee; so that he will have no feeling that the points raised by him or the grievance put-forth by him had not been dealt with properly.

In this view of the matter, without going through the merits of the case, the order/communication dated 07-11-2000, under Annexure-6-A is quashed (as it is a cryptic and non-speaking order) with a direction to the Appellate Authority/Respondents to dispose of the Appeal of the Applicant, within a period of 30 (thirty) days from the date of receipt of a copy of this order, afresh; with a

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reasoned and speaking order and communicate the result thereof to the Applicant within a period of 15(fifteen) days thereafter.

In the result, therefore, this Original Application is disposed of. No costs.

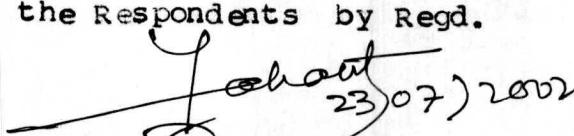

(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

23/07/2002

KNM/CM.

Letter-dt. 23- 7- 2002.

Mr. Chand, Learned Counsel for the Applicant undertakes to furnish the required postages for service of copies of this order on the Respondents by Regd. Post with AD. Upon furnishing the same, the Registry is directed to send copies of this order to the Respondents by Regd. post with AD.


MEMBER (JUDICIAL)

23/07/2002