

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 603/87

XXX No

198

DATE OF DECISION 23-4-1991

Gopichand Naraindas Golani Petitioner

Mr. L. M. Nerlikar Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent

Mr. S. C. Dhavan Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman.

The Hon'ble Mr. P.S. Chaudhuri, 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 ?

U.C.Srivastava
(U.C. SRIVASTAVA)
Vice-Chairman

(47)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

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Original Application No. 603/87

Gopichand Naraindas Golani,
E.C.R.C., BB V.T.,
6-C-1204, Damodar Park,
L.B.S.Marg, Ghatkopar,
Bombay 400 086.

... Applicant

V/s

1. The Union of India, through
General Manager, Central Railway,
Bombay V.T.
2. Chief Commercial Superintendent,
Central Railway, Bombay V.T.
3. Divisional Railway Manager,
Central Railway, Bombay V.T.
4. Divisional Commercial Supdt (I),
Central Railway, Bombay V.T.
5. Sr. Divisional Commercial Supdt,
Central Railway, Bombay V.T. ... Respondents

CORAM: Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

1. Mr.L.M.Nerlekar
Advocate for the
Applicant.
2. Mr.S.C.Dhavan,
Advocate for the
Respondents.

JUDGMENT:

(Per U.C.Srivastava, Vice-Chairman)

Date: 23-4-1991.

The applicant was Enquiry-cum-Reservation Clerk on Central Railway at Bombay V.T. At the relevant point of time he approached the Tribunal against the penalty of reduction of his pay by four stages in the same time scale of pay for a period of three years without cumulative effect ultimately imposed on him after disciplinary

proceedings including departmental inquiry, appeals and revision. Precisely, the charges served on him by memorandum dated 20.7.1982 were first, that he made false allegations about the integrity of Vigilance Inspectors and secondly, that he without any legitimate work and sufficient cause entered the Reservation Office at Bombay V.T. and instigated the ECRCs working there not to resume work till their demand that checks by Vigilance Inspectors should be carried out with the prior approval of ACS (Reservation) and in the presence of Auditor, was met with. He also challenged the authority of Vigilance Inspectors for conducting the checks in the Reservation Office without the prior permission of CRI, thereby creating a situation which made it impossible for the VIs to resume the vigilance checks. This amounted to obstructing VIs in the performance of their duties. On 5.5.1984 the Disciplinary Authority after accepting the Inquiry Officer's report imposed the penalty of withholding of increment for a period of two years with cumulative effect. An appeal was filed by the applicant on which the appellate authority, after issuing a show cause notice and considering the reply thereto, by a non-speaking order dated 26.9.1984 enhanced the punishment to that of reduction by four stages in the same time scale for three years with cumulative effect. The applicant filed a second appeal before the second appellate authority against the enhanced penalty and by order dated 21.1.1986 that authority reduced the penalty to the extent of its being without cumulative effect. Against this second appellate order the applicant

filed a revision petition dated 2.9.1986 but by order dated 11.3.1987 the revision petition was dismissed. The first Appellate Authority's order obviously on the face of it is a non-speaking order. No reasons have been assigned by the Appellate Authority for enhancing the punishment. The perusal of the order also makes it very clear that the then pending appeal filed by the applicant against the initial punishment was not at all considered. Only the revisional powers under the Railway Servants (Discipline and Appeal) Rules, 1968 were invoked and a show cause notice was issued for enhancing the punishment. The appellate order is an arbitrary and non-speaking order, it is vitiated and cannot be allowed to stand and deserves to be quashed. The other subsequent orders automatically must also go down and are also quashed.

2. Accordingly the application is allowed to the extent that the first appellate Order dated 14.8.1984 and subsequent orders dated 21.1.1986 and 11.3.1987 are also quashed. In the circumstances of the case the parties will have to bear their own costs.



(P.S. Chaudhuri)
Member (A)

U.C.Srivastava

(U.C.Srivastava)
Vice-Chairman