

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 9TH DAY OF JUNE, 1987.

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO.1834/86

Shri P.C. Hanumanthu,
aged 50 Years,
S/o P. Anjaneyappa,
Station Master,
South Central Railway,
Hubli Unkal Station. Applicant

(Shri Suresh S. Joshi, Advocate)

v.

1. Divisional Operating
Superintendent,
S.C. Railway, Hubli.
2. Chief Operating
Superintendent,
S.C. Railway,
Secunderabad.
3. The General Manager,
S.C. Railway,
Secunderabad.
4. Divisional Railway Manager,
S.C. Railway,
Hubli. Respondents.

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing
to-day, Vice-chairman made the following.

ORDER


In this application made under Section 19 of
the Administrative Tribunals Act of 1985 ('the Act'),
the applicant has challenged order No.H/P.94/III/TTO
dated 11.7.1986 of the Chief Operating Superintendent,

South Central Railway, Hubli (COS) (Annexure-A3), the order No.H/P-94/620 dated 18.2.1986 of the Assistant Personnel Officer (T) South Central Railway, Hubli ('DRM') (Annexure-A2) and the order No.H/T.5/E.3/1/85-86/ASM/DAR dated 29.1.1985 of the Divisional Operating Superintendent, Hubli ('DOS') (Annexure-A1). In a disciplinary proceeding instituted under the Railway Servants (Discipline and Appeal) Rules, 1968 ('Rules') the DOS passed an order dated 29.1.1985 inflicting the penalty of compulsory retirement from service on the applicant. Aggrieved by the said order, the applicant filed an appeal before the DRM who by his order dated 18.2.1986 affirmed the same. Aggrieved by the same, the applicant filed a revision before the COS who by his order dated 11.7.1986 has dismissed the same.

2. Among others, the applicant has urged that the order made by the appellate authority in his first appeal is not a speaking order.

3. Sri Suresh S. Joshi, learned counsel for the petitioner has reiterated the case of the applicant before us.


4. Sri K.V. Lakshmanachar, learned counsel for the respondents sought to support the order of the authorities.



5. Against the imposition of a major penalty of compulsory retirement from service, the applicant filed an appeal before the DRM. An appeal lies before the DRM both on questions of fact and law. But, the DRM without examining any of the material contentions urged by the applicant both on questions of fact and law and the requirement of Rule 22(2) of the Rules has dismissed the appeal with a brief and laconic order. In RAMCHANDER Vs UNION OF INDIA (AIR 1986 SC 1173) the Supreme Court examining a similar order has indicated the necessity to make a speaking order after affording an opportunity of hearing. Without any doubt the order made by the DRM is in contravention of the Rules and is not a speaking order. In this view, the order made by the DRM is liable to be quashed and a direction issued to him to redetermine the matter afresh. When once we hold that the order made by the appellate authority is not a speaking order, we have necessarily to quash the order made by the revising authority also.

6. As the Appellate Authority has not decided the appeal as required by law, it is not necessary for us to examine the order of the disciplinary authority which has necessarily to be done by the appellate authority in the first instance.

7. In the light of our above discussion, we quash the orders of the COS dated 11.7.1986 (Annexure-A3) and



the order of DRM dated 18.2.1986 (Annexure-A2) and direct the Divisional Railway Manager, South Central Railway, Hubli - respondent-4 to restore the appeal filed by the applicant to its original file and re-determine the same after affording him an opportunity of oral hearing if he proposes to avail ^{of the} the same in accordance with law and the observations made in this order with all such expedition as is possible in the circumstances of the case and in any event not later than 3 months from the date of the receipt of the order of this Tribunal.

8. Application is disposed of in the above terms. But, in the circumstances, of the case, we direct the parties to bear their own costs.

M. S. Prasad
Vice-chairman 9/6/87

[Signature]
Member (A) 9.6.87

np/Mrv.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 18-6-87

APPLICATION NO 1834 /86(F)

W.P. NO _____

Applicant

Shri P.C. Hanumanthu

V/s The Divisional Operating Supdt
SC Railway, Hubli & 3 Ors

To

1. Shri P.C. Hanumanthu
Chalukyanagar
R.G.S. Water Tank
Gadag Road
Hubli

2. Shri Surash S. Joshi
Advocate
No. 15, III Cross
Nehru Nagar
Bangalore - 560 020

3. The Divisional Operating Superintendent
South Central Railway, Hubli

4. The Chief Operating Supdt.
South Central Railway
Secunderabad (A.P.)

5. The General Manager
South Central Railway
Secunderabad

6. The Divisional Railway Manager
South Central Railway
Hubli

7. Shri K.V. Lakshmanachar
Advocate
No. 4, 5th Block, Briand Square
Police Qrs
Mysore Road
Bangalore - 2

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 9-6-87.

Encl : as above

SECTION OFFICER
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 9TH DAY OF JUNE, 1987.

Hon'ble Shri Justice K.S. Puttaswamy, Vice-chairman
Present: and
Hon'ble Shri L.H.A. Rego, Member (A)

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O R D E R

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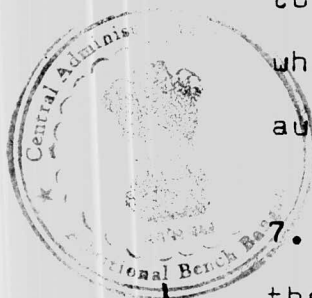
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3. Application is disposed of in the above terms. But, in the circumstances, of the case, we direct the parties to bear their own costs.

Sd/-
Vice-Chairman

G/P

Sd/-
Member (AT) 9.6.87

- True Copy -

np/Mrv.

18/6/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL DEPT
BANGALORE