

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 21ST NOVEMBER 1986

PRESENT: HON'BLE SHRI CH. RAMAKRISHNA RAO, MEMBER(J)  
HON'BLE SHRI P. SRINIVASAN, MEMBER(A)

APPLICATION NO. 1602/1986(F)

H. Mallikarjuna,  
S/o. Chandrasha H  
aged about 26 years,  
presently residing at  
No. 110-K, W.A.P. Quarters,  
West Colony, Yelahanka,  
Bangalore-560 064,

Applicant

(Shri Ranganath Joise, Advocate)

1. The General Manager,  
Wheel and Axel Plant,  
Yelahanka, Bangalore-64.
2. The Assistant Works Manager-II,  
Wheel and Axel Plant, Yelahanka,  
Bangalore-64.
3. The Deputy Chief Mechanical-  
Engineer(M), Wheel and Axel Plant,  
Yelahanka, Bangalore-64.

Respondent

(Shri Sreerangaiah, Advocate)

This application has come up for hearing before  
this Tribunal to-day, Member (J) made the following:

O R D E R

The applicant was working as an Operator in the  
office of the Wheel and Axel Plant, Bangalore, from  
4.2.1984 when he was appointed to that post. On  
16.5.1985, he was placed under suspension (Annexure  
A to the application) and a chargesheet was issued  
to him on 17.5.1985 (Annexure.B) by the Assistant




...2/-

Works Manager-II, pursuant to which an enquiry was held. Based on the findings of the inquiry report, the applicant was dismissed from service by the disciplinary authority by an order dated 14.4.1986. Aggrieved by this order, the applicant preferred an appeal to the appellate authority and the said appeal was dismissed on 1.7.1986 by a cryptic order. The prayer of the applicant in this application is for quashing the orders passed by the disciplinary authority as well as the appellate authority.

2. The main contention of Shri Ranganath Jois, learned counsel for the applicant, is that the appellate order is not a speaking order as envisaged by Rule 22(2) of the Railway Services (Discipline and Appeal) Rules (Rules, for short) and that the applicant was not also heard. In support of his submission Shri Ranganath Joise relied on the decision of the Supreme Court in Ram Chander v. Union of India AIR 1986 SC 1173.

3. Shri M. Sreerangaiah, learned counsel for the respondents, endeavoured to satisfy us ~~with the contention~~ that the file on which the appellate order was passed contains the reasons on which it is based.

4. We have perused the file containing the appellate order. We do not agree with Shri Sreerangaiah that the contents in the file in any way improve the situation that the appellate order is not a speaking order. That the appellate order should be a reasoned order has been laid down by the Supreme Court in a number of decisions and more particularly in ~~a~~ the 



very decision cited supra. The Court, while considering a case under the Rules observed:

" We wish to emphasize that reasoned decisions by tribunals, such as the Railway Board in the present case, will promote public confidence in the administrative process. An objective consideration is possible only if the delinquent servant is heard and given a change to satisfy the Authority regarding the final orders that may be passed on his appeal. Considerations of fair-play and justice also require that such a personal hearing should be given."

5. In view of the legal position enunciated above, *ind* we set aside the order passed by the appellate authority on 1.7.1986 and direct him to hear and dispose of the appeal after affording a personal hearing to the applicant. We also direct the appellate authority to pass a reasoned order as required by law and in confirmity with the Rules at an early date and in any case not later than four months from the date of receipt of this order.

6. In the view we have taken, we do not think it necessary to go into the merit of the application, which the applicant can agitate before the appellate authority.

7. In the result, the application is disposed of as indicated above. No order as to costs..

*Ch. Ramakrishna RAO*  
( CH. RAMAKRISHNA RAO )  
MEMBER (J)  
21.11.86

*P. Srinivasan*  
( P. SRINIVASAN ) *21/11/86*  
MEMBER (A)  
21.11.86