

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE SEVENTH DAY OF JANUARY, 1987

Present: Hon'ble Shri Ch.Ramakrishna Rao Member(J)

Hon'ble Shri L.H.A.Rego Member(A)

APPLICATION No. 1275/86(T)

V.Prakasham,
Ex-Fireman, A/MRJ,
residing at Miraj,
Dist.Sangali,
Maharashtra.

... Applicant

(Shri M.Rama Bhat

... Advocate)

Vs.

1. The Divisional Manager,
South Central Railway,
Hubli.
2. The Senior Divisional Mechanical
Engineer, South Central Railway,
Hubli, Dist.Dharwar.
3. The Asst.Mechanical Engineer,
Loco, South Central Railway,
Hubli, Dist.Dharwar. ...

Respondents.

(Shri M.Sreerangaiah

... Advocate)

This application came up before the court today.

Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :



...2/-

ORDER

This is an application initially filed as a writ petition in the High Court of Karnataka and subsequently transferred to this Tribunal. The facts giving rise to the application are briefly as follows:

The applicant while on duty as a Fireman on 4.12.1981 in Train No.3234 Dn. was found to be under the influence of liquor when he was subjected to the electronic breath analyser test. Disciplinary proceedings were therefore initiated against him under the Railway Services (Conduct) Rules, 1966, which culminated in an order of removal from service passed by the disciplinary authority (Respondent No.2), vide Annexure-B.

2. The applicant preferred an appeal to the appellate authority (Respondent No.1) who rejected the same with the following cryptic observation :

"No reasons to revise the penalty imposed."

Aggrieved by these orders, the applicant has filed this application.

3. Shri M.Ram Bhat, learned counsel for the applicant, contends, inter alia, that the appellate authority has not given any reasons for rejecting the appeal, except stating that he found no reasons to revise the penalty imposed. According to the learned counsel, this is not a speaking order and is liable to be set aside.

4. Shri M. Spreerangaiah, learned counsel for the respondents, submits that after a careful consideration of the facts and circumstances and the contents of the representation made by the applicant, the appellate authority passed the order stating that he found no reasons to disagree with the penalty imposed by the disciplinary authority.

5. After a careful consideration of the rival contentions, we are satisfied that the contention of Shri Ram Bhat is well-founded.

6. In a recent decision of the Supreme Court in RAM CHANDER v. UNION OF INDIA (AIR 1986 SC 1173), the Supreme Court had observed as under:

"We wish to emphasize that reasoned decisions of Tribunals, such as the Railway Board in the present case, will promote public confidence in the administration process. An objective consideration is possible only if the delinquent servant is heard and given a chance 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."

7. In view of the above observations of the Supreme Court, we set aside the order at Annexure-C, passed by the appellate authority and remit the matter to him with a direction to dispose of the appeal within three months from the date of receipt of this order after affording an opportunity to the applicant of being heard in the light of the foregoing and in accordance with law.

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