

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINETEENTH JANUARY, 1987

Present: Hon'ble Shri Ch Ramakrishna Rao - Member(J)
Hon'ble Shri LHA Rego - Member(A)

APPLICATION NO. 1425/86

H.B.Bora Naika,
Son of Bora Naika,
Aged about 53 years,
Working as Chargeman 'B',
T 2504, C.F.T. Shop,
Works Manager's Office,
Southern Railway,
Mysore South,
Mysore. ... Applicant

(Shri Ravi Verma Kumar ... Advocate)

Vs.

1. Chief Workshop Engineer,
Southern Railway,
Madras.
2. Works Manager,
Southern Railway,
Mysore South,
Mysore. ... Respondents

(Shri A.N. Venugopal ... Advocate)

This application has come up for hearing before
Court today. Member(J) made the following:-



...2/-

O R D E R

This application was 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:-

2. The charge levelled against the applicant inter alia was that while he was functioning as Chargeman B in CFT shop, he was not found on the workspot after 15-30 hrs on 7.6.1983 and he failed to inform about his movement to any of his supervisors and thus acted in a manner unbecoming of a railway servant. An enquiry was held by the disciplinary authority (DA) (Respondent no. 2) which culminated in a penalty being imposed by the DA reverting to the stage of pay at Rs.270/- per mensen him as Khalasi helper on Rs. 270 in the grade of Rs. 210-290 for a period of 24 months with effect from 14.3.84(I Spell) (non-recurring). The applicant preferred an appeal to the appellate authority (AA - Respondent no. 1) who agreed with the penalty imposed by the DA and his order was communicated by the Personnel Branch, Madras (Southern Railway) to the applicant (Annexure A). Aggrieved by the orders passed by the respondents, the applicant has filed this application.

3. Shri Ravivarma Kumar, learned counsel for the applicant, has urged several grounds in support of the application. Shri AN Venugopal, learned counsel for the respondents has controverted the same.

4. We do not consider it necessary to examine the rival contentions in depth in this application since we

(W)

find that the order passed by the AA as extracted in Annexure A is not a speaking order. Further, it appears from the said extract that no opportunity for personal hearing was granted to the applicant. In a recent decision of the Supreme Court in Ram Chander Vs. Union of India (AIR 1986 SC 1173), the Supreme Court had occasion to observe:-

"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 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."

In view of the observations of the Supreme Court referred to above, we set aside the order of the AA(Annexure A) and remit the matter to him with a direction to dispose of the appeal within 3 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.

5. In the result, the application is allowed as indicated above. No order as to costs.

Chander

MEMBER (J)

Chander 9.1.87
MEMBER (A)

SR