

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 16th DECEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)  
Hon'ble Shri P.Srinivasan - Member (A)

APPLICATION No. 1666/86(F)

H.B. Nagaraja  
109/G, W.A.P., West Colony  
Yelahanka, Bangalore 560 064 - Applicant

(Sri Ranganath S. Jois, Advocate)

and

1. General Manager  
Wheel & Axle Plant,
2. Works Manager  
Wheel & Axle Plant.
3. Deputy Chief Mechanical Engineer(M)  
Wheel & Axle Plant  
Yelahanka, Bangalore 560 0064 - Respondents

(Sri M. Sreerangaiah, Advocate)

This application came up before this Tribunal  
to day for hearing and Hon'ble Member (J) Ch. Ramakrishna  
Rao made the following

ORDER

The applicant joined as a Artisan in Maintenance Department  
in the Wheel & Axle Plant, Yelahanka, Bangalore from  
19.10. 1983. He is aggrieved by the order dated 14.4.86  
~~passed~~ of the Disciplinary Authority (DA) imposing the  
penalty of dismissal from railway service, which was  
passed after the charges levelled against him were  
found established by the Board of Inquiry. The  
...applicant

Cal

applicant preferred an appeal to the third respondent but in vain. Hence this application.

2. Shri Ranganath S. Jois, learned counsel for the applicant contends that the order 4-7-1986 (Annexure E) passed by the appellate authority is not a speaking order. According to Shri Jois, the order merely states that 'duty taking into account all facts of the case, the evidence on record and the findings of the Disciplinary Authority, you are guilty of serious misconduct.'

3. Shri M. Sreerangaiah, learned counsel for the respondents submits that from the tenor of the order it is apparent that the appellate authority has applied his mind to the material on record and thereafter confirmed the penalty imposed by the Disciplinary Authority.

4. We have considered the arguments of the learned counsellors of both sides carefully. We are satisfied that the order passed by the appellate authority is not a speaking order. The Supreme Court in a recent judgement in Ram Chander v. Union of India AIR 1986 SC 1173 has enunciated in unambiguous terms in a case arising under the Railway Services (Discipline and Appeal) Rules as follows :

"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."

5. In view of the decision of the Supreme Court supra, we have no hesitation in setting aside

passed by the appellate authority, 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 conformity 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 merits 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.

*C. Subramanian*  
Member (J) 16/12/86

*P. S. ...*  
16/12/86  
Member (A)(S)