

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 26th FEBRUARY 1987

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

Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 244/86

Dr. K. Jalaiah
Assistant Divisional Medical Officer
Railway Hospital
South Central Railway, Hubli - Applicant

and

1. The Union of India by
its Chief Secretary
New Delhi
2. The Secretary
Ministry of Railway Board
Rail Bhavan, New Delhi
3. The General Manager
South Central Railway
Rail Neelayam, Secunderabad - Respondents

(Sr M.Sreerangaiah, Advocate)

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

ORDER

This application was initially filed in the
High Court of Karnataka and subsequently transferred
to this Tribunal. Proceedings under Rule 11 of the Railway
Servants (Discipline & Appeal) Rules, 1968 ('Rules')
were initiated against the applicant by the General
Manager, South Central Railway ('GM SCR') - R3 in and
by the memorandum dated 8.10.1976 ('Memo'). The
statement of imputations of misconduct/misbehaviour
against the applicant was enclosed to the Memo. The
applicant submitted his reply to the Memo. GM SCR,

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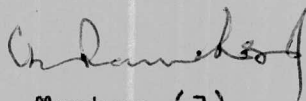
not satisfied with the reply, imposed the penalty of withholding increments in the manner stated in his letter dated 8.9.1977 addressed to the applicant. Against the imposition of the penalty the applicant preferred an appeal to the Chairman, Railway Board, New Delhi ('CRB') - R2, who confirmed the penalty imposed by R3. Aggrieved by these orders the applicant has filed this application.

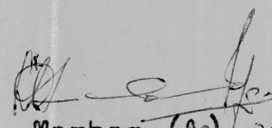
2. The grievance, in the main, of the applicant as appearing in paragraph 6 of 'Grounds' in the application is that the order of the appellate authority is not a speaking order and no valid reason has been assigned for confirming the order of GM SCR. The grievance seems justified in view of the ration of the decision of the Supreme Court in Ram Chander v. Union of India AIR 1986 SC 1173 wherein it was 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 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."

3. We, therefore, direct CRB to consider the appeal of the applicant afresh on merits after affording a personal hearing to the applicant. The proceedings shall be completed on or before 30.6.1987.

4. In the result the application is allowed, partly.
No order as to costs.


Member (J)


Member (A) 26.2.87