

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 Naslaryam, 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

O R D E R

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,

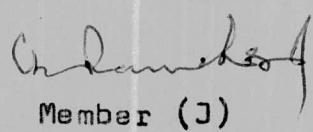
not satisfied with the reply, imposed the penalty of withholding increments in the manner stated in his letter dated 8.9.1977 addressed to the applicant. Against the imposition of the penalty the applicant preferred an appeal to the Chairman, Railway Board, New Delhi ('CRB') - R2, who confirmed the penalty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

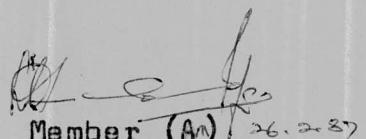
2. The grievance, in the main, of the applicant as appearing in paragraph 6 of 'Grounds' in the application is that the order of the appellate authority is not a speaking order and no valid reason has been assigned for confirming the order of GM SCR. The grievance seems justified in view of the ration 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