

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 31ST DAY OF OCTOBER, 1986.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman

And

○ Hon'ble Mr. L.H.A. Rego

Member(A)

APPLICATION NO. 718 OF 1986.

Danam John Billa,
Major, T.No.2420, Foundry Shop,
South Central Railway,
Workshop, Hubli.

..APPLICANT

(By Sri Suresh S. Joshi, Advocate)

v.

1. Assistant Works Manager
South Central Railway
Workshop, Hubli.
 2. The Production Engineer,
South Central Railway
Workshop, Hubli.
 3. The Deputy Chief Mechanical
Engineer, South Central
Railways Workshop, Hubli,
(now upgraded as Addl.
Chief Mechanical Engineer)
Hubli.
- Respondents.

(By Sri M. Sreerangiah, Advocate)

This application coming on for hearing
this day, Vice-Chairman made the following:

ORDER

In this transferred application received
under Section 29 of the Administrative Tribunals
Act of 1985 from the High Court of Karnataka, the
applicant

applicant has challenged the order made on 22-9-1980 (Annexure-D) of respondent-2 affirming the order dated 31-7-1980 (Annexure-B) of respondent-1.

2. In a disciplinary proceeding instituted against him under the Railway Servants (Discipline and Appeal) Rules, 1968 ('the Rules') respondent-1 by his order dated 31-7-1980 removed the applicant from service. Aggrieved by the same, the applicant filed an appeal under the Rules, before respondent-2 who by his order dated 22-9-1980 has dismissed the same.

3. Sri Suresh S. Joshi, learned counsel for the applicant contends that the order made by the appellate authority was not a speaking order and is illegal as held by the Supreme Court in RAM CHANDER v. UNION OF INDIA AND OTHERS (1986 (2) SLR 608).

4. Sri M. Srirangaiah, learned counsel for the respondents sought to support the order of respondent-1.

5. We find that the order made by the appellate authority suffers from every one of the infirmities found by the Supreme Court in Ram Chander's case and is not a speaking order at all. For the very reasons stated in Ram Chander's case, the order made by the appellate authority is liable to be quashed and a direction issued to him to restore the appeal filed by the applicant to its original file and re-determine the same by affording an opportunity of hearing.

We,

We, therefore, quash the order of the appellate authority and direct the appellate authority to restore the appeal filed by the applicant to its original file, afford him an opportunity of hearing and re-determine the same in accordance with law and the observations made in this order with all such expedition as is possible in the circumstances of the case and in any event within 3 months from the date of receipt of the order of this Tribunal.

6. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

Ms. D. M. Aram
VICE-CHAIRMAN

[Signature]
MEMBER(A)(R)

21/10/86
31.10.1986

np/