

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 2nd <sup>A</sup>MRCH 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)  
Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 1711/86

K.R. Jayaram  
Wheel Unit Operator  
K.R. Extension (near C.T.O. Office)  
Madhugiri - Applicant

(Sri Gangireddy, Advocate)

and

1. The Union of India represented by the  
Secretary Ministry of Railways  
New Delhi
2. The General Manager  
Wheel Plant, Southern Railway  
Yalahanka, Bangalore 64
3. The Deputy Chief Mechanical Engineer  
Wheel & Axle Plant, Yalahanka  
Bangalore 64
4. The Works Manager  
Wheel and Axle Plant  
Yalahanka, Bangalore 64 - Respondents

(Sri 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

As a sequel to the proceedings held against  
the applicant under Rule 9 of the Railway Servants  
(Discipline & Appeal) Rules, 1968 and order dated

14.4.1986 was passed by the Works Manager ('R4') dismissing him from service. The applicant preferred an appeal to the appellate authority ('R3') who disposed of the same by a cryptic order dated 1.7.86 (Annexure J) without recording any reasons for confirming the order passed by R4. Aggrieved by these orders the applicant has filed this application.

2. Shri Gangireddy, learned counsel for the applicant, urged several grounds before us. But we consider it sufficient at this stage to deal with only one of the grounds, which is very crucial to the case. The principal submission of Shri Joshi is that the order passed by R3 in appeal does not set out the reasons for confirming the order passed by R4 and as such it is not a speaking order. Shri M. Sreerangaiah, learned counsel for the respondents, submits that the order passed by R3 should be read with the order passed by R4 and other relevant material on record and not viewed in isolation.

3. We have considered the matter carefully. We are satisfied that the present case falls within the ratio 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, set aside the order dated 1.7.86 of the appellate authority ('R3') and direct him to dispose of the appeal by a reasoned order afresh after affording a personal hearing to the applicant within three months from the date of receipt of this order. If the applicant is aggrieved by the order passed by the appellate authority he is at liberty to move this Tribunal.

4. In the result the application is disposed of subject to the directions given above. No order as to costs.

*Ch. Ramakrishna*  
2.3.87  
Member (J)

*[Signature]*  
2.3.87  
Member (AM)