

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. 724 OF 1986.

Billa Solomen,
Major, T.No.2404.
Foundary Shop,
South Central Railways ,
Workshop, Hubli. .. Applicant.
(By Sri Suresh S. Joshi, Advocate)

v.

1. Assistant Works Manager,
South Central Railways Workshop,
Hubli.
2. The Production Engineer,
South Central Railways Workshop,
Hubli.
3. The Deputy Chief Mechanical
Engineer, South Central Railways Workshop,
Hubli (now upgraded as Addl. Chief
Mechanical Engineer). .. Respondents.
(By Sri M. Sreerangaiah, Advocate)

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

O R D E R

In this transferred application received under Section 29 of the Administrative Tribunals Act of 1985 from the High Court of Karnataka, the applicant has challenged the order made on 4-9-1980 (Annexure-F) of respondent-3 affirming the order dated 17-7-1980 (Annexure-B) of respondent-1.

2. In a disciplinary proceeding instituted against him ~~the~~ under the Railway Servants (Discipline and Appeal) Rules, 1968 ('the Rules') respondent-1 by his order dated 17-7-1980 removed the applicant from service. Aggrieved by the same, the applicant filed an appeal under the Rules, before respondent-3 who by his order dated 4-9-1980 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 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