

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 21-9-87

APPLICATION NO 211 / 87 (F)

W.P. NO _____

Applicant

Shri H. Doddaiiah

V/s The Disciplinary Authority, DSO/SBC
Divn. Office, Bangalore City & another

To

1. Shri H. Doddaiiah
Assistant Station Master(Signaller)
Bangalore City Railway Station
Southern Railway
Bangalore

2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

3. The Disciplinary Authority
DSO/SBC, Divisional Office
Transportation Branch
Southern Railway
Bangalore

4. The Divisional Personnel Officer
Personnel Branch
Southern Railway
Bangalore City

5. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Rd. Bangalore - 2

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 9-9-87.

Encl : as above

For Deputy Registrar
~~SECTION OFFICER~~
(JUDICIAL)

Received a copy
M. S. Sreerangaiah
RA 23/9.

Received
copies pertaining
to item. 3 & 4

23/9/87
Law test/SBC

Received
for Dr. 2-
23/9/87

Disciplinary and Appeal Rules (Rules), the DA by his order dated 7.5.1986 (Annexure A) imposed on the applicant the penalty of reduction to the lower time scale of pay of Rs.292/- from 7.5.1986. Aggrieved by this order, the applicant filed an appeal before the AA who by his order dated 14.8.1986 had dismissed the same. Hence this application.

3. Dr.M.S.Nageraja, learned counsel for the applicant contends that the order made by the AA without examining any of the material contentions urged by the applicant in support of his appeal and the requirement of Rule 22 of the Rules, was not a speaking order and is illegal. In support of his contention Dr.Nageraja relies on the ruling of the Supreme Court in AIR 1986 SC 1173 RAMACHANDER V. UNION OF INDIA.

4. Sri M.Sreerangaiah, learned counsel for the respondents sought to support the order of AA.

5. In his appeal the applicant had urged a large number of grounds on questions of fact and law. But the AA disposed of the same, in these words :-

"Having carefully considered the orders passed by the Disciplinary Authority and the appeal preferred by the employee and points made therein, I very convincingly come to the conclusion that ASM has actually contributory role to play in this accident. It is basically to avoid such type of accidents that Railways insists and highlight to employees the need to avoid short cut methods and adjustments on the topic of safety. The punishment imposed in this case is in the right proportion to the mistake. While it is the shock to employee at a first instance, but the whole effect has been contained in one year only. The punishment as such stands. Employee was not made any point which merits mitigation of punishment the plea is technical".

Without any doubt this order made by the AA, suffers from every one of the infirmities noticed by the Supreme Court in Ramachanders case and is not a speaking order at all. Hence the



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 9th DAY OF SEPTEMBER, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy

Vice-chairman

Hon'ble Sri L.H.A. Rego

Member (A)

APPLICATION No. 211/87(F)

Doddaiiah,

SBC, ASM,

Signaller,

Bangalore.

...

Applicant.

(Sri Dr. M.S. Nagaraj

...

Advocate)

vs.

1. Disciplinary Authority,
DSO/SBC, Divisional-office,
Transportation Branch,
Bangalore.

2. Divisional Personnel Officer,
Personnel Branch,
Bangalore City.

...

Respondents

(Sri M. Sreerangaiah

...

Advocate)

This application has come up before the court today.

Hon'ble Justice Sri K.S.Puttaswamy, Vice-chairman made the
following :

O R D E R

In this application made under Section 19 of the
Administrative Tribunals Act, 1985(the Act), the applicant has
challenged order No.E/P.227/TS/33/77/75 dated 14.8.1986
(Annexure B) of the Divisional Personnel Officer and Appellate
Authority (AA) and order No.B/T.5/B3 79/85 dated 7.5.1986 of
the DSO and Disciplinary Authority (DA)(Annexure A).

2. At the material time, the applicant was working as an
Assistant Station Master in the Southern Railway. In a disci-
plinary proceeding instituted under the Railway Servants



same, is liable to be quashed without examining all other questions.

6. As held in Ramachander's case, it is open to the applicant to claim a personal hearing before the AA and if such a claim is made by him the AA is bound to afford him an opportunity of oral hearing and then decide the appeal.

7. In the light of our above discussion, we allow the application in part, quash the order of the AA dated 14.3.1986 (Annexure B) and direct the AA to restore the appeal filed by the applicant to its original file and dispose of the same in accordance with law and the observations of the Supreme Court in Ramachander's case.

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



bsv/an

Sd/-
VICE-CHAIRMAN

Sd/-
MEMBER (A)

- True copy -

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE