

Registered

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

Dated : 16-11-87

Application No. 1903/86(F)

Applicant

Shri Yenkusa

V/s

Respondents

The General Manager(Personnel Branch),  
South Central Railway & another

To

1. Shri Yenkusa  
S/o Shri Devendrasa Bevinakatti  
R/o : Bank Road, Near Bus-stand  
Gadag  
Dharwad District

2. Shri G. Shantappa  
Advocate.  
No. 1849/A-2, 6-A Main,  
'D' Block, 2nd Stage,  
Rajajinagar  
Bangalore - 560 010

3. The General Manager  
(Personnel Branch)  
South Central Railway  
'Rail Nilayam'  
Secunderabad(A.P.)

4. The Divisional Superintendent  
South Central Railway  
Hubli

5. The Chief Operating  
Superintendent  
South Central Railway  
Secunderabad (A.P.)

6. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

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Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of Order passed by this  
Tribunal in the above said application on 11-11-87

Encl : As above

Deputy Registrar  
(Judicial)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 11th DAY OF NOVEMBER, 87

Present : Hon'ble Sri P.Srinivasan Member (A)

Hon'ble Sri Ch.Ramakrishna Rao Member (J)

Application No. 1903/85(F)

Yenkusa,  
C/o G.Shantappa, Advocate,  
No.1849/A-2, 6-A Main,  
D Block, 2nd Stage,  
Rajajinagar,  
Bangalore - 10. ... Applicant

( Sri G.Shantappa ... Advocate )

vs.

1. The General Manager,  
(Personnel Branch),  
South Central Railway,  
'Rail Nilayam',  
Secunderabad.
  2. The Divisional Superintendent,  
South Central Railway,  
Hubli. ... Respondents
- ( Sri M.Sreerangaiah ... Advocate )

This application has come up before the  
Tribunal today. Hon'ble Sri Ch.Ramakrishna Rao, Member (J)  
made the following :

ORDER

In this application, the applicant who was  
working as Pointsman in Bagalkot Railway Station of South  
Central Railway is aggrieved with the orders :

- i) dated 17.4.76 to show cause why the  
penalty of removal from service should  
not be imposed against him.
- ii) dated 5.10.76 imposing the penalty of  
removal from service w.e.f.20.10.1976.
- iii) dated 20.5.86 of the appellate authority  
rejecting the appeal of the applicant  
against the imposition of the penalty.



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Sri G.Shantappa, learned counsel for the applicant urged that the evidence on record was not sufficient to hold the applicant guilty of the charge levelled against him viz. that he had been responsible for the loss of cash amounting to Rs.20,000/- and that therefore the disciplinary and as well as the appellate authorities went wrong in imposing the penalty of removal from service. He also urged that the order of the appellate authority is not a speaking order.

2. Sri M.Sreerangaiah, learned counsel for the respondents supported the orders of the disciplinary and appellate authorities and relied on the written reply filed by the respondents.

3. After hearing both the counsel and perusing the order dated 20.5.86 of the appellate authority a copy of which appears at page 14(g) of the application, we are satisfied that the order of the appellate authority is not a speaking order. He has not dealt with the issues raised in the appeal in detail.

4. In view of the decision of the Supreme Court in Ramchander v Union of India & Ors AIR 1986 SC 1173 we set aside the order dated 20.5.86 of the appellate authority. He is directed to give the applicant an opportunity of being heard and pass a speaking order dealing with all the aspects of the case on or before 28.2.88. Since the matter has been hanging fire for a long time i.e.since 1976, it is essential that the appellate authority adhere to the time limit fixed by us. The applicant will approach the appellate authority immediately and get a date of hearing. The applicant is at liberty to urge all the grounds urged in this application

And

before the appellate authority.

5. The application is disposed of on the above terms. Parties to bear their costs.

6. A copy of this order should be sent immediately to the appellate authority viz. Chief Operating Superintendent, South Central Railway, Secunderabad for necessary action.

sd/-

MEMBER (A)

sd/-

MEMBER (J)

11.11.87

en.

- True copy -



*B. V. N. Subrahmanyam*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
16/11/87