

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 30-11-87

APPLICATION NO 676 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Shri M. Swamikannu  
To

Vs

RESPONDENTS

The Divisional Commercial Supdt, Southern Rly  
& another

1. Shri M. Swamikannu  
C/o Shri V. Ramdas  
No. 28-1, Type I Quarters  
Railway Quarters  
Bangalore - 560 056
2. Shri T.N. Raghavaiah  
Advocate  
No. 557, II Stage  
West of Chord Road  
Bangalore - 560 086
3. The Divisional Commercial Superintendent  
Southern Railways  
Bangalore
4. The Divisional Personnel Officer  
Southern Railways  
Bangalore
5. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Buildings, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/87/87

ORDER passed by this Tribunal in the above said application  
on 20-11-87.

**RECEIVED** 5 copies 11/12/87

Diary No. 1491/CR/87

Date: 2-12-87 *[Signature]*

Encl: as above.

*B.V. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

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

Dated : 13 JUN 1988

CONTEMPT OF COURT APPLICATION NO.  
IN APPLICATION NO. 676/86(F)  
W.P. NO.

28

88

Applicant(s)

Respondent(s)

Shri Swamy Kannu M.  
To

v/s The Divisional Operating Supdt. Southern Rly.,  
Bangalore & 2 Obs

1. Shri Swamy Kannu M.  
C/o Shri V. Ramdas  
No. 89, 'L' Type Quarters  
Railway Quarters  
Bangalore - 560 056
2. The Divisional Operating Superintendent  
Southern Railway  
Bangalore City  
Bangalore - 560 023
3. The Divisional Personnel Officer  
Southern Railway  
Bangalore - 560 023
4. The Divisional Commercial Superintendent  
Southern Railway  
Bangalore - 560 023
5. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/EXAM/INTERIM ORDER  
passed by this Tribunal in the above said application(s) on 7-6-88.

Encl : As above

*R. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 20TH DAY OF NOVEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO.676/1987

Shri M. Swamikannu,  
aged 30 years,  
s/o K. Muthu,  
C/o. V. Ramdas,  
No.28-1 Type I Quarters,  
Railway Quarters,  
Bangalore.

.... Applicant

(Shri T.N. Raghavaiah, Advocate)

v.

1. The Divisional Commercial  
Superintendent,  
Southern Railways,  
Bangalore.

2. The Divisional Personnel  
Officer,  
Southern Railways,  
Bangalore.

.... Respondents

(Shri Sreerangaiah, Advocate)

This application having come up for hearing to-day  
Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant has  
challenged the order of the Appellate Authority ('AA')  
communicated by the Divisional Personnel Officer,  
Bangalore City (DPO) in his letter No.8/P.227/C.Vig/8/  
85/FR dated 16.7.1986 (Annexure A-4) and order No.8/  
C.Vig/8/85/FR dated 21.2.1986 (Annexure A-3) of the  
Divisional Commercial Superintendent and the Disciplinary  
Authority ('DA').



2. On 19.11.1981 the applicant joined service as a Hamal in the Southern Railway. In a disciplinary proceedings instituted against him under the Railway Servants (Discipline and Appeal) Rules, 1968 ('Rules') the AA by his order dated 21.2.1986 inflicted on him the penalty of removal from service. Aggrieved by this order, the applicant filed an appeal before the AA who had dismissed the same. Hence this application.

3. In justification of the orders made, the Respondents have filed their reply.

4. Shri T.N. Raghavaiah, learned counsel for the applicant contends that the order made by the AA without examining any of the material grounds urged by the applicant in support of his appeal and the requirement of rule 22 of the Rules was not a speaking order and illegal as ruled by the Supreme Court in AIR 1986 SC 1173 (RAMACHANDER v. UNION OF INDIA).

5. Shri M. Sreerangaiah, learned Counsel appearing for the Respondents sought to support the orders of the AA.

6. We have earlier noticed that against/order of the DA the applicant filed an appeal under the rules before the AA. The AA had dismissed the same in these words:

"There are no grounds to show any mercy in this case. The employee has cheated the Administration."

Without any doubt in this order, the AA, had not examined any of the material grounds urged by the applicant in support of his appeal and the requirements of Rule 22 of the Rules and the same is not a speaking order at all. The order of the AA, which is in contravention of the rules and illegal, is liable to be interfered with by this Tribunal without examining the merits of the order made by the DA.

7. In the light of our above discussion we quash the order of the AA communicated by the DPO in his letter dated 16.7.1986 (Annexure A-4) and direct the appellate authority to restore the appeal filed by the applicant to its original file and dispose of the same with all such expedition as is possible in the circumstances of the case and in any event within a period of three months from the date of receipt of this order in accordance with law and the observations made by the Supreme Court in Ramachander's case and this order.

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.

Sd/-

Vice-Chairman

20/11/87

Sd/-

Member (A)

26.11.87

- True Copy -

bsv/Mrv.



B. V. Venkateshwar  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 7TH DAY OF JUNE, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

CONTEMPT OF COURT APPLICATION NO.28/1988

Shri Swamy Kannu,  
s/o K. Muthu,  
C/o Ramdas,  
No.89, 'L' Type quarters,  
Bangalore. ... Petitioner.

v.

1. Divisional Operating (3)Divl. Commr. Supdt.  
Superintendent, Southern Railway,  
Southern Railways, Bangalore.  
Bangalore city.
2. Divisional Personnel  
Officer, Southern Railways,  
Bangalore. ... Contemnors.

(Shri Sreerangaiah, Advocate)

This application having come up for hearing to-day  
Vice-Chairman made the following:

O R D E R

In this application made under Section 17 of the  
Administrative Tribunals Act, 1985, and the Contempt  
of Courts Act, 1971, the petitioner has moved this  
Tribunal to punish the contemnors for non-implementation  
of the order made by this Tribunal in his favour on  
20.11.1987 in Application No.676/87.

2. In A.No.676/87, we directed the appellate authority  
('AA') to restore the appeal filed by the applicant and  
dispose of the same with expedition, and in any event,  
within a period of two months from the date of receipt  
of our order.



3. In compliance with the order of the Tribunal the AA had disposed of the appeal of the applicant on 4.4.1983. Shri M. Sreeramyaiah, learned Counsel for the contemnors, has produced a copy of that order for our perusal. Shri M. Swamy Kannu, who is the petitioner has also perused the same. Shri Swamy Kannu very rightly states that these Contempt of Court proceedings be dropped, with liberty reserved to him to challenge the appellate order in separate legal proceedings, which is correct and legal. We, therefore drop these contempt proceedings with no order as to costs. But this does not prevent the petitioner from challenging the order of the AA in separate legal proceedings.

Sd/-

VICE-CHAIRMAN

26/88

Sd/-

MEMBER (A)



dms/Mrv.

TRUE COPY

RECORDED  
DEPUTY REGISTRAR (JDL) 13/6

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE