

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

Dated : 16 JUN 1988

APPLICATION NO. 906 / 88(F)

W.P. NO. \_\_\_\_\_

Applicant(s)

Respondent(s)

Shri V. Rajamani

V/s

The GM, Southern Railway, Madras & 2 Ors

To

1. Shri V. Rajamani  
No. H-53/4, II Cross  
Lakshminarayanaapuram  
Sreeramapuram  
Bangalore - 560 021
2. Shri S.M. Babu  
Advocate  
242, Kanaka Mandiram  
Vth Main, Gandhinagar  
Bangalore - 560 009
3. The General Manager  
Southern Railway  
Park Town  
Madras - 600 003

4. The Divisional Railway Manager  
Southern Railway  
Bangalore Division  
Bangalore - 560 023
5. The Divisional Railway Manager  
Southern Railway  
Mysore Division  
Mysore
6. Shri K.V. Lakshmanachar  
Railway Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

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(s) on 13-6-88.

Encl : As above

*9/8/88*  
*K. W. J. -*  
*17-6-88*

*De* : *P. V. S. H. S. H.*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH; BANGALORE

DATED THIS THE THIRTEENTH DAY OF JUNE, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy... Vice-Chairman

Hon'ble Shri L.H.A. Rego...

Member (A)

APPLICATION NO.906 OF 1988

SRI.V.RAJAMANI,  
No.H53/4, II Cross,  
Lakshminarayanapuram,  
Sreerampuram, Bangalore-21.

Applicant

(Shri S.M. Babu.....Advocate)

Vs.

1. The General Manager,  
Southern Railways, Madras.
2. The Divisional Railway Manager,  
Southern Railways, Bangalore-23.
3. The Divisional Railway Manager,  
Southern Railways, Mysore.

Respondents

(Shri K.V. Lakshmanachar.....Advocate)

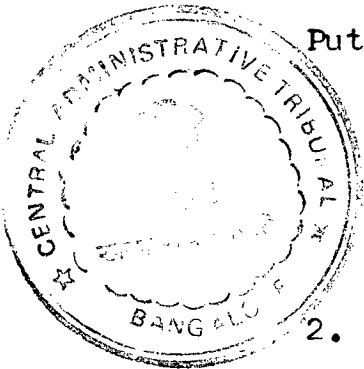
This application has come up for hearing  
before this Tribunal to-day, Hon'ble Shri Justice K.S.  
Puttaswamy, Vice-Chairman, made the following :

ORDER

Applicant by Shri S.M. Babu.

Admit.

- 2.
3. This case was posted before us to-day  
for admission. At our direction Shri K.V.Laxmanachar,  
one of the Railway Advocates takes notice for the  
respondents. With the consent of both sides, this

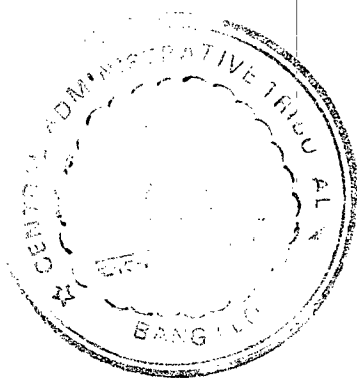


case is treated as listed for final hearing to-day and is accordingly heard.

4. This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985.

5. In a disciplinary proceeding instituted against the applicant under the Railway Servants (Discipline and Appeal) Rules, 1968 (Rules) the Divisional Mechanical Engineer and the Disciplinary Authority ('DA') by this order No.Y/P.227/V/323/78 dated 8-9-1987 (Annexure-B) inflicted on him the penalty of removal from service. Aggrieved by this order, the applicant filed an appeal before the Divisional Railway Manager, Southern Railway, Mysore, who is the Appellate Authority ('AA') under the Rules and he had dismissed the same, which is communicated by the Divisional Office, Personal Branch, Mysore on 15-4-1988 (Annexure-D). Hence, this application.

6. Shri Babu, contends that the order made by the AA which does not examine any of the material contentions urged by the applicant in support of his appeal on questions of fact and law and the requirements of Rule 22(2) of the Rules was not a speaking order and illegal. In support of his contention Shri Babu relies on the ruling of the Supreme Court in RAM CHANDER v. UNION OF INDIA AND OTHERS (AIR 1986 SC 1173).



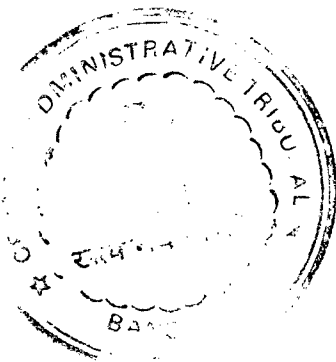
7. Shri Laxmanachar sought to support the order of the AA.

8. The order of the AA made on the appeal of the applicant reads thus:

"I have gone through the appeal. Disciplinary Appeal Rules have been observed correctly. I find no reason to change punishment."

The only merit of this order is its extreme brevity. Without any doubt this order of the AA is not a speaking order, the requirements of which have been explained by the Supreme Court in Ram Chander's case. We are distressed to note that the AA should continue to commit the very mistake condemned by the Supreme Court in Ram Chander's case as early as on 2-5-1986, reiterated by this Tribunal in more than one case. On this short ground, the order of the AA is liable to be quashed and a direction issued to him to restore the appeal of the applicant to its original file and redetermine the same in accordance with law.

9. In the light of our above discussion, we allow this application in part, quash the order of the Appellate Authority communicated to the applicant on 15-4-1988 (Annexure-D) and direct the Appellate Authority - respondent-3 to restore the appeal filed by the applicant to its original file, redetermine the same in



accordance with law, the observations of the Supreme Court in Ram Chander's case and this order.

10. 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/-  
(K.S. PUTTASWAMY)  
VICE-CHAIRMAN 12/6/88

Sd/-  
(L.H.A. REGO)  
MEMBER (A) 13.6.88

TRUE COPY

*R. Venkatesh*  
DEPUTY REGISTRAR (JULY)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE 12/6/88

