

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

Dated : 19 JAN 1989

APPLICATION NO. 1075 / 88(F)

W.P. NO.     

Applicant(s)

Shri P. Srinivasa Murthy  
To

v/s

Respondent(s)

The General Manager, Southern Railway,  
Madras & 3 Ors

1. Shri P. Srinivasa Murthy  
No. 382, 9th Main  
Vijayanagar  
Bangalore - 560 040

5. The Divisional Railway Manager  
Southern Railway  
Mysore Division  
Mysore

2. Shri M. Narayanaswamy  
Advocate  
844 (Upstairs), V Block  
Rajajinagar  
Bangalore - 560 010

6. The Divisional Electrical Engineer  
Southern Railway  
Mysore Division  
Mysore

3. The General Manager  
Southern Railway  
Park Town  
Madras - 600 003

7. Shri K.V. Lakshmanachar  
Railway Advocate  
No. 4, 5th Block  
Briand Sqaure Police Quarters  
Mysore Road  
Bangalore - 560 002

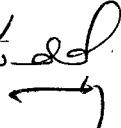
4. The Chief Electrical Engineer  
Southern Railway  
Park Town  
Madras - 600 003

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~ ORDER passed by this Tribunal in the above said application(s) on 13-1-89.

4/186  
L. N. M.  
19-1-89  
Encl : As above

of C

Deputy Registrar  
(JUDICIAL) 

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 13TH DAY OF JANUARY, 1989

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

APPLICATION NO. 1075/1988

Shri P. Srinivasa Murthy,  
S/o late Puttappa,  
Aged 40years,  
Residing at No.382,  
9th Main, Vijayanagar,  
Bangalore-40.

.... Applicant.

(Shri M. Narayanaswamy, Advocate)

v.

1. The General Manager,  
Southern Railway Headquarters,  
Park Town, Madras.

2. The Chief Electrical Engineer,  
Southern Railway,  
Madras.

3. The Divisional Manager,  
Divisional Office,  
Mysore.

4. The Divl. Electrical Engineer,  
Mysore Division,  
Southern Railway,  
Mysore.

.... Respondents.

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing to-day,

Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985 (the Act), the applicant has challenged order No.P(A)87/Y/77 dated 22.4.1988 (Annexure-G) of the General Manager, Southern Railway, Madras and the Reviewing Authority (RA) and order No.P(A)87/Y/71 dated

1.12.1987 (Annexure-E) of the Chief Electrical Engineer, Southern Railway, Madras and the Appellate Authority (AA) and order No.Y/E.150/III/SPE/PSM dated 28.4.1987 (Annexure-C) of the Divisional Railway Manager, Mysore and the Disciplinary Authority (DA).

2. At the material time, the applicant was working as Electrical Chargeman in Hassan Railway Station of the Southern Railway. In a trap case laid against him on 11.12.1985, he was found receiving a sum of Rs.30/- as illegal gratification from one Shri Narayana an official working in the same railway station for showing him an official favour. On this, regular disciplinary proceedings were instituted against the applicant under the Railway Servants (Discipline and Appeal) Rules, 1968 (the Rules) by the Divisional Electrical Engineer, one of the disciplinary authorities under the said rules. On the applicant denying the charges levelled against him, a regular inquiry was conducted, in which the Inquiry Officer (IO) found him guilty of the charge levelled against him.

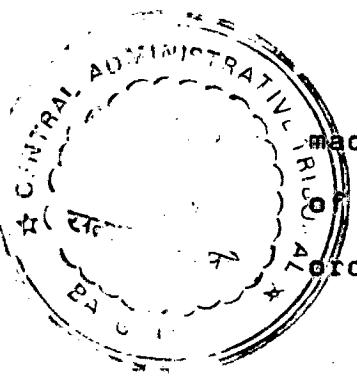
3. On an examination of the report of the IO and the records, the DA by his order made on 28.4.1987 imposed on the applicant the penalty of removal from service. Aggrieved by this order of the DA, the applicant filed an appeal before the AA who by his order dated 1.12.1987 dismissed the same. Aggrieved by these orders of the AA and the DA, the applicant filed a review petition before the RA, who by his order made on 22.4.1988 dismissed the same. Hence this application.

4. In justification of the orders made, the respondents have filed their reply and have produced their records.

5. Shri M. Narayanaswamy, learned counsel for the applicant, contends that the order made by the AA was not a speaking order and illegal. In support of his contention Shri Narayanaswamy relies on the ruling of the Supreme Court in RAMCHANDAR v. UNION OF INDIA (AIR 1986 SC 1173).

6. Shri K.V. Lakshmanachar, learned counsel for the respondents contends to the contrary.

7. We have carefully read the order of the AA. Even though the order of the AA is not a lengthy order, it had dealt with all material points which arose for determination in the appeal before him. If that is so, then it is difficult to hold that the order of the AA is laconic and is not a speaking order. We see no merit in this contention of Shri Narayanaswamy and we reject the same.



8. Shri Narayanaswamy next contends that the order made by the DA without critically examining the report of the IO and the evidence on record was not a speaking order and illegal.

9. Shri Lakshmanachar contends that in cases of concurrence, the failure of the DA to make a speaking order as held by the Supreme Court in STATE OF MADRAS v. A.R. SRINIVASAN (AIR 1966 SC 1827) does not vitiate the order of the DA.

10. In the inquiry held, the IO had found the applicant guilty of the charge levelled against him. On an examination of the report of the IO and his findings the DA had concurred with the same, and had imposed the penalty. On the principles enunciated in Srinivasan's case, the failure of the DA if any to make a speaking order does not vitiate his order. We see no merit in this contention of Shri Narayanaswamy and we reject the same.

11. Shri Narayanaswamy contends that the findings of the authorities are manifestly perverse and are such that no reasonable person would have ever reached them and justify our interference on that ground.

12. Shri Lakshmanachar contends that the orders of all the authorities were based on a proper appreciation of the evidence on record and were not perverse.

13. We have carefully read the orders of the authorities and the material evidence on record. On such an examination we find it difficult to hold that the findings of the authorities are based on 'no evidence' or manifestly perverse. We see no merit in this contention of Shri Narayanaswamy and we reject the same.

14. Shri Narayanaswamy lastly contends that the punishment imposed was grossly disproportionate to the gravity of the charge and calls for substantial modification.

15. Shri Lakshmanachar opposes any modification in the punishment imposed on the applicant.

16. We have earlier noticed that in a trap case the applicant was found receiving illegal gratification which had been proved in the inquiry held against him. The applicant is found guilty of a serious misdemeanour involving moral turpitude. In these circumstances, we cannot modify the punishment imposed by the authorities. We see no merit in this contention of Shri Narayanaswamy and we reject the same.

17. As all the contentions urged for the applicant fail, this application is dismissed. But, in the circumstances of the case, we direct the parties to bear their own costs.

A. -

Sd/-

VICE-CHAIRMAN B/11

Sd/-

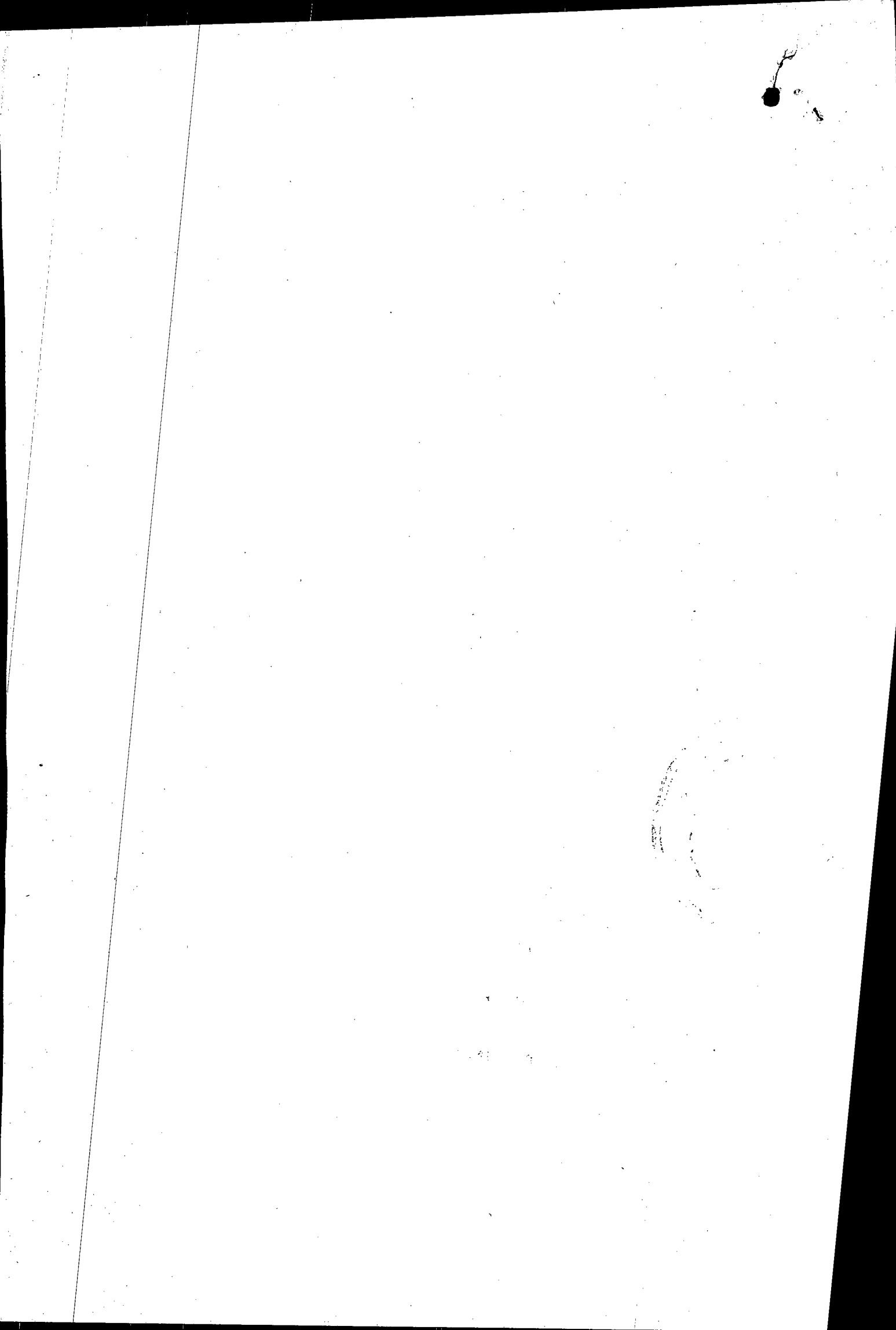
MEMBER (A) B/11

TRUE COPY



Govt. of India

*Parliament of India*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE



Dy.W. 287/89 35/  
Dy.W. 287/89  
28/89

D.No. 2397/89 Sec-IV-A  
SUPREME COURT OF INDIA  
NEW DELHI

Dated 2-8-89

From: The Additional Registrar  
Supreme Court of India.

To

The Registrar

Central Administrative Tribunal  
at Bangalore

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 5705 of 1989  
(Petition under Article 136 of the Constitution of India,  
for Special Leave to Appeal to the Supreme Court from the  
Judgment and Order dated 13-1-89 of the High  
Court of Central Administrative Tribunal at Bangalore  
in Appln. No. 1075/88

P. Srinivas Murthi ..... Petitioner.  
Versus

The General Manager ..... Respondent  
and OAS

Sir,

I am to inform you that the Petition above-mentioned  
for Special Leave to Appeal to this Court was/were filed on  
behalf of the Petitioner above-named from the Judgment/Order  
of the Central Administrative Tribunal at Bangalore  
noted above and that the same was/were dismissed/disposed of  
by this Court on the 7th day

of August, 1989

Yours faithfully,  
for ADDITIONAL REGISTRAR  
AS/

AS/

