

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 22 MAR 1989

APPLICATION NO (S) 154 /89(F)

W.P. NO (S) /

Applicant (s)

Shri S. Shankar  
To

Respondent (s)

V/s The Senior Divisional Operating Superintendent,  
Southern Railway, Mysore & another

1. Shri S. Shankar  
Assistant Station Master  
Yedakumeri Railway Station  
C/o. Station Master  
Sakleshpur Railway Station  
Hassan District

2. Shri S.K. Srinivasan  
Advocate  
No. 10, 7th Temple Street  
15th Cross, Malleswaram  
Bangalore - 560 003

3. The Senior Divisional  
Operating Superintendent  
Southern Railway  
Mysore Division,  
Mysore

4. The Divisional Railway Manager  
Southern Railway  
Mysore Division  
Mysore

5. 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 a copy of ORDER/~~SRM~~/~~INTERIOR ORDER~~  
passed by this Tribunal in the above said application(s) on 16-3-89.

*ok*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE SIXTEENTH DAY OF MARCH 1989

Present;

Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman

Hon'ble Shri L.H.A. Rego .. Member (A)

APPLICATION NO. 154/89(F)

Shri S. Shankar,  
Assistant Station Master,  
Yadakeri Railway Station,  
C/O Station Master,  
Sakleshpur Railway Station,  
HASSAN DISTRICT

.. Applicant

(Shri S.K. Srinivasan, Advocate)

vs.

1. The Senior Divisional  
Operating Superintendent,  
Mysore Division,  
Southern Railway,  
MYSORE.

2. The Divisional Railway Manager,  
Mysore Division,  
Southern Railway,  
MYSORE.

.. Respondents

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing  
before this Tribunal today, Hon'ble Shri Justice K.S.  
Puttaswamy, 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. Y/TGL.4/LR ASM/  
NTW/87 dated 24-2-1988 of the Divisional Railway Manager,  
Southern Railway, Mysore (Appellate Authority) (AA)  
and Order No. Y/TGL.4/LR ASM/NTW/87 dated 13-11-1987  
of the Senior Divisional Operating Superintendent,



Southern Railway, Mysore (Disciplinary Authority) (DA).

2. At the material time, the applicant was working as an Assistant Station Master in Mysore Division of the Southern Railway. In a disciplinary proceeding instituted against the applicant under the Railway Servants (Discipline and Appeal) Rules, 1968, (Rules) for the misdemeanours detailed against him, the DA by his order dated 13-11-1987 inflicted on him the penalty of reduction in the time-scale of pay he was then drawing. Aggrieved by the said order, the applicant filed an appeal before the AA, who, by his order dated 24-2-1988 dismissed the same. Hence this application.

3. Shri S.K. Srinivasan, learned counsel for the applicant, contends that the order made by the AA was not a speaking order and is illegal. In support of his contention, Shri Srinivasan strongly relies on a recent decision rendered by us in Shri C.RAMANAND & 4 OTHERS VS. THE SENIOR DIVISIONAL OPERATING SUPERINTENDENT, SOUTHERN RAILWAY, MYSORE & 2 OTHERS.

4. Shri K.V. Lakshmanachar, learned counsel for the respondents, sought to support the impugned orders.

5. The AA has dismissed the appeal of the applicant in two or three sentences, namely

"I have gone through appeal. The contention of party is not acceptable. The charges have been proved in the enquiry. I find no reason to change the punishment."

Without any doubt, this order which does not deal with the three essential factors enumerated in Rule 22(2) of the Rules, is not a speaking order and is illegal.

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.

**VICE CHAIRMAN**

MEMBER(A) 1613. '89

**TRUE COPY,**

DEPUTY REGISTRAR (JDL) 7437  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE