BANGALORE BENCH

Commercial Complex(8DA) Indiranagar Bangalore - 560 838 Dated : 22 MAR 1989

APPLICATION NO (8)	154	/89(F
W.P. NO (\$)	. •	, .

Applicant (g)

Shri &. Shankar

To

V/s

Respondent (e)

The Senior Divisional Operating Superintendent, Southern Railway, Mysors & another

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

- 1. Shri S. Shankar.
 Assistant Station Mester
 Yedakumeri Railway Station
 C/o Station Mester
 Saklashpur Railway Station
 Hassan District
- Advocate
 No. 10, 7th Temple Street
 15th Cross, Malleswaram
 Bangalere 560,003
- 5. The Senior Divisional
 Departing Superintendent
 Southern Reilway
 Mysore Division
 Mysore

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

4. C. ON W. 3-89

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DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE VOLUME BANGALORE BENCH: BANGALORE

DATED THIS THE SIXTEENTH DAY OF MARCH 1989

Present:

Hon'ble Shri Justice K.S. Physical .. Vice Chairman Hon'ble Shri L.H.A. Rego .. Member (A)

APPLICATION NO. 154/89(F)

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

. Applicant

(Shri S.K.Srinivasan, Advocate)

VS.

- 1. The Senior Divisional
 Operating Superintendant,
 Mysore Division,
 Southern Railway,
 MYSORE.
- 2. The Divisional Railway Manager, Mysore Division, Southern Railway, MYSORE.

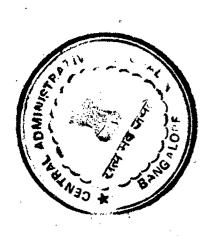
. Respondents

(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 Reilway, Mysore (Disciplinary Authority) (DA).

- 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.
- 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.

orders and taken exception to them for the reasons stated in that order. What is decided in that case, applies on all fours to the orders of the RA.

allow this application in part, quash the orders of the AA (Annexure A-10 to the application) and direct Respondent-2 to restore the appeal filed by the applicant to its original file and dispose of the same in accordance with law and the observations made in Ramanand's case with all such expedition as is possible in the circumstances of the case and in any event within three months from the date of receipt of 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.

VICE CHAIRMAN 6/2/1984

5d|-

MEMBER(A) 1613. 89

TRUE COPY,

DEPUTY REGISTRATI (JDL) 7/3
GENTBAS ADMINISTRATIVE TRIBUNAS
BANGALORE

