

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 26 APR 1989

APPLICATION NO (s) 384, 385, 403, 404 & 411 /89(F)

W.P. NO (s) _____

Applicant (s)

Respondent (s)


Shri Chandrasekhara Murthy & V/s The Senior Divisional Operating Supdt.,
4 Ors Southern Railway, Mysore & another
To

1. Shri Chandrasekhara Murthy
Assistant Station Master
Nanjangud Railway Station & P.O.
Southern Railway
Mysore District
2. Shri K.R. Kiran Das
Assistant Station Master
Southern Railway
Nagavengala Railway Station
Via Birur
Chickmagalur District
3. Shri R. Sivapatham
Assistant Station Master
Southern Railway
Mallasandra Railway Station & P.O.
Tumkur District
4. Shri V. Nachinarkinian
Relieving Assistant Station Master
Southern Railway
Narimogeru Railway Station
Serve Post
Puttur Taluk
Dakshina Kannada District
5. Shri R. Bharani
Station Master
Southern Railway
Saunshi Railway Station & P.O.
(Pin : 581 117)
Dharwad District

6. Shri S.K. Srinivasan
Advocate
No. 10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003
7. The Senior Divisional
Operating Superintendent
Southern Railway
Mysore Division
Mysore
8. The Divisional Railway Manager
Southern Railway
Mysore Division
Mysore
9. 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 ~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 21-4-89.


DEPUTY REGISTRAR
(JUDICIAL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTY FIRST DAY OF APRIL
1989

Present : Hon'ble Shri Justice K.S. Puttaswamy ... Vice-Chairman
Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATIONS NO.384, 385, 403, 404, 411/89

Chandrasekhara Murthy,
Assistant Station Master,
Nanjangud R.S. & P.O.,
Mysore District.

Applicant in
A No.384/89

K.R. Kiran Das,
Assistant ~~Kirkur~~ Station Master,
Nagavangala Railway Station,
Via Birur, Chickmagalur Dt.

Applicant in
A No.385/89

V. Nachinarkinian,
Relieving Asst. Station Master,
Narimogaru Railway Station,
Serve Post, Puttur Taluk,
Southern Railway,
South Kanara Dt.

Applicant in
A No.404/89

R. Sivapatham,
Asst. Station Master,
Southern Railway,
Mallasandra R.S. & P.O.
Kumkur Distt.

Applicant in
A No.403/89

R. Bharani,
Station Master,
Saunshi R.S. & P.O.
Pin:581 117, Distt. Dharwar

Applicant in
A No.411/89

(Shri S.K.Srinivasan ... Advocate)

v.

The Sr. Divisional Operating
Superintendent,
Southern Railway,
Mysore Division,
Mysore.

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

Respondents

(Shri K.V.Lakshmanachar . Advocate)

These applications have come up for admission and hearing
before this Tribunal today. Hon'ble Vice-Chairman made the
following:



ORDER

As the questions of law that arise for determination in these cases are common we propose to dispose of them by a common order.

2. At the material time the applicants were working as Assistant Station Masters in Mysore Division of the Southern Railways. In separate disciplinary proceedings instituted against the applicants under the Railway Servants (Disciplinary and Appeals) Rules, 1968 (Rules) for the misdemeanour detailed in the respective charges levelled against them, the Disciplinary Authority (DA) by his separate but identical orders inflicted on them the penalty of reduction in rank/grade. Aggrieved by the respective orders made by the DA against them, the applicants filed appeals to the Divisional Railway Manager and Appellate Authority (AA) under the Rules, who by separate but identical orders made had dismissed them. Aggrieved by the orders made by the AA and the DA the applicants have approached this Tribunal in separate but identical applications under Section 19 of the Act.

3. Shri S.K. Srinivasan, learned counsel for the applicants contends that the orders made by the AA were not speaking orders and are illegal. In support of his contention Shri Srinivasan strongly relies on a decision rendered by us in C. RAMANAND & 4 OTHERS V. SENIOR DIVISIONAL OPERATING SUPDT. SOUTHERN RAILWAY AND OTHERS A No.1820/88 decided on 20.2.1989.

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

5. The AA had dismissed the appeals filed by the applicants

in one short sentence viz. " I have gone through the appeal and find no reason to reduce the penalty".

Without any doubt the orders made by the AA which do not deal with the three essential factors enumerated in Rule 22(2) of the Rules are not speaking orders and are illegal.

6. In Ramanand's case, we have examined similar orders and have taken exception to them for the reasons stated in that order. What is decided in ⁴that cases, applies ²on all fours to the impugned orders of the DA and AA.

7. In the light of our above discussion we allow these applications in part, quash the orders of the AA and direct the AA - Respondent No.2 - to restore the appeals filed by the applicants to their original files and dispose of them in accordance with law and observations made in Ramanand's case with all such expedition as is possible in the circumstances of the cases and in any event within three months from the date of receipt of this order.

8. Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs.



TRUE COPY

sd/-
VICE CHAIRMAN

21-4-1989

sd/-
MEMBER (A)

21.4.1989

DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE