

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(3)

O.A. NO: 352/91

199

~~xxx NOx~~

DATE OF DECISION 17.9.92

Danial Philips

Petitioner

Mr. S C Schimalis

Advocate for the Petitioners

Versus

Union of India through GM C.Rly Respondent

Mrs. Indira Bodade

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble Mr. M Y Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ND

Sd.  
V.C.

mbm\*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH CIRCUIT SITTING AT NAGPUR,  
NAGPUR

OA NO. 352/91

Danial Philips  
Central Railway  
Nagpur  
R/o. Prasant Nagar;  
Near Hanuman Mandir  
Katol Road  
Police Line Takli  
Nagpur

..Applicant

V/s.

Union of India  
through General Manager  
Central Railway  
Bombay V.T.

..Respondents

Coram: Hon. Shri Justice S K Dhaon, V.C.  
Hon. Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. S C Schimalis  
Counsel  
for the applicant

Mrs. Indira Bodade  
Counsel  
for the respondents

ORAL JUDGMENT:

(Per: S K Dhaon, Vice Chairman)

DATED: 17.9.92

The DCS, C. Rly, Nagpur on 26.6.89 passed an order reducing the applicant in rank. The appellate Authority on 16.10.89 dismissed the appeal preferred by the applicant. The Revisional Authority on 5.6.90 dismissed the revision application of the applicant. The three orders are being impugned in the present application.


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
We have read the order of the appellate authority carefully. He has passed a cryptic order. The relevant portion of the order is: "There is no new point brought out in the appeal. His contention is not accepted, as detailed in the appeal". The appellate authority was required to detail the grievance of the applicant and give his findings thereon. He failed to do so. In our opinion he failed to comply with the relevant rules i.e., Rule 22(2). He has, therefore, to decide the appeal afresh.

A reply has been filed on behalf of the Respondents and Mrs. Indira Bodade has been heard in opposing this application.

This application succeeds and is allowed in part. The appellate order dated 16.10.1989 is quashed. The revision<sup>al</sup> order too is quashed.

The appellate authority shall dispose of the appeal after giving a personal hearing to the applicant. He shall give a reasoned order. There shall be no order as to costs.

  
(M Y Priolkar)  
Member (A)

  
( S K Dhaon )  
Vice Chairman