

J A I P U R.

O.A. No. 621/92

Date of decision: 19.8.94

HARI DUTTA MISHRA : Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

In this application, Shri Hari Dutta Mishra has prayed that the order dated 24.7.87 (Annexure A-1) regarding penalty of recovery of an amount of Rs. 34,000/- issued against him may be quashed and the order dated 27.1.88 (Annexure A-15) passed by the Appellate Authority rejecting the appeal of the applicant may also be quashed, with all consequential benefits.

2. We have heard the learned counsel for the parties and have gone through the records.


3. The matter can be disposed of on a short point. The learned counsel for the applicant has drawn our attention to the appeal filed by the applicant vide Annexure A-2, dated 9.9.87. This appeal has been disposed of by an order dated 27.1.88 of Appellate Authority (Annexure A-15). The order of the Appellate Authority is not a speaking one, in that it does not deal with all the points raised by the applicant in his appeal. Moreover, no ^{specific} findings have been given by the ^{three} Appellate Authority with regard to the points mentioned in Rule 22(2) of the Railway Servants (Discipline & Appeal) Rules, 1968 which are that the Appellate Authority has to give ~~specific~~ findings on the question whether the procedure laid down in the rules has been complied with; whether the findings of the disciplinary authority are warranted by the evidence on record and whether the penalty imposed is

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adequate, inadequate or severe.

4. In the circumstances of the case, we set aside the order of the Appellate Authority with a direction to him that he shall consider the appeal of the applicant afresh and pass a speaking order meeting all the points raised in the appeal and he shall also give specific findings on the three points mentioned in Rule 22(2), as aforesaid stated.

5. The application is disposed of accordingly, with no order as to costs.


(O.P. SHARMA)
Administrative Member


(D.L. MEHTA)
Vice-Chairman