

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::

O.A.No.602/91.

Date: 27.7.1993.

Between:

Eknath Kharat Applicant

And

1. The Divisional Railway Manager,
South Central Railway,
Guntakal.
2. The Divisional Commercial Supdt.,
South Central Railway,
Guntakal.

.. Respondents

HEARD:

For the applicant : Sri P.Krishna Reddy, Advocate
For the respondents : Sri V.Rajeshwara Rao, Advocate
for Jalli Siddaiah, SC for Rly.

CORAM:

THE HON'BL MR.JUSTICE V.NEELADRI RAO, VICE-CHAIRMAN

THE HON'BLE MR.P.T. THIRUVENGADAM, MEMBER (ADMN.)

[JUDGMENT OF THE BENCH AS PER HON'BLE SRI P.T.THIRUVENGADAM,
MEMBER (ADMN.)]

.....

The applicant was appointed as Assistant Catering
Manager in the scale of Rs.260-400 (Rs.975-1540) on
12.2.1986. Subsequently he was promoted as Catering
Manager in the scale of Rs.1200-2040. In this capacity
he was transferred to Raichur on 6.2.1989. While, the
applicant was working at Raichur, on 6.12.1989 an inspection
was conducted by Senior Section Officer and two Accounts

Assistants of the Accounts Department of South Central Railway. It is alleged that the applicant misbehaved with the said inspection officials and prevented them from discharging their duties. On the basis of the complaint from the Section Officer, a charge-sheet for imposition of major penalty was issued on 5.1.1990. This was followed by an enquiry and after furnishing a copy of the enquiry report to the applicant, the disciplinary authority on consideration of the representation on the enquiry report from the applicant, imposed penalty of reduction from the post of Catering Manager in the scale of Rs.1200-2040 to the post of Assistant Catering Manager in the scale of Rs.975-1540 on a pay of Rs.1075/- for a period of 3 years without loss of seniority vide Memorandum dt. 22.6.1990. The applicant submitted an appeal against this to the appellate authority on 3.2.1991 which was disposed of by the appellate authority on 7.5.1991. The contents of the order passed by the appellate authority are as under:-

"In terms of Rule-22(2) of Railway Servants (D&A) Rules, 1968, the undersigned, the appellate authority has carefully considered your appeal cited with relevant records and observed as under:-

- (i) Findings of the disciplinary authority are warranted by the evidence on record and
- (ii) I have been the appeal. The previous order stands please.

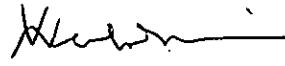
Accordingly, the penalty of reduction from the post of RM/NVRR/RC on pay Rs.1200/- in the scale of Rs.1200-2040(RSRP) to ACM/NVRR/RC on pay Rs.1075/- in the scale of Rs.975/- to 1540 (RSRP) for a period of 3 years (NR) without loss of seniority imposed by DCS/GTL vide penalty advice No.G.C.64/Accounts Inspn/89-90 of 22.6.90 is confirmed."

2. It is manifest from the above that the appellate authority has not passed speaking orders and has not met the various points raised in the appeal. In I AIR 1986 SC 1173 it has been held that mechanical reproduction of phraseology of Rule 22(2) of Railway Service (D&A) Rules cannot be held as compliance with requirements of this rule. Since the disposal of the appeal by the appellate authority has not been done as required by law, the O.A. is remitted to the appellate authority for re-consideration and passing appropriate orders. The O.A. is disposed-of accordingly with no costs.

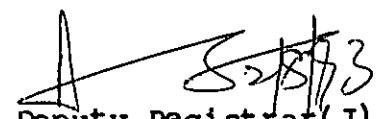
(Dictated in open court)

P. J. Thiruvengadam

(P.T.Thiruvengadam)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

grh.


Deputy Registrar (J)

To

1. The Divisional Railway Manager,
S.C.Rly, Guntakal.
2. The Divisional Commercial Superintendent,
S.C.Rly, Guntakal.
3. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.J.Siddaiah, SC for Rlys.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

7 copies
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : MEMBER (A)

Dated: 27-7-1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N:

in
O.A.No. 602/91

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

pvm

