

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 783 of 1991

DATE OF JUDGMENT: 23rd March, 1993.

BETWEEN:

Mr. G. Pochaiah

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Applicant

AND

1. The Divisional Railway Manager (MG),  
South Central Railway,  
Secunderabad.
2. The Chief Personnel Officer,  
S.C.Railway, Secunderabad.
3. The Senior Divisional Mechanical Engineer (MG),  
S.C.Railway, Secunderabad.
4. The Assistant Mechanical Engineer (P) P.A.U.,  
S.C.Railway, Purna.
5. The General Manager,  
S.C.Railway, Secunderabad.

..

Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. V. Venkateswara Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V. Ramana, SC for Railways

CORAM:

Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

Hon'ble Shri R. Balasubramanian, Member (Admn.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

This application is filed against the impugned order dated 28.9.1989 passed by the disciplinary authority removing the applicant from service, which was appealed against and confirmed by the appellate authority vide communication just dated 2.5.1990. In the appellate order, it has been stated, "even as CMR, he remained absent for more than two years. The punishment stands".

2. Heard Mr. V.Venkateswara Rao, learned counsel for the applicant and Mr. N.V.Ramana, learned Standing Counsel for the respondents. The learned counsel for the applicant furnished a copy of the appeal dated 27.1.1990 preferred by the applicant against the order of punishment. In this appeal, the applicant had raised the issue that he was undergoing medical treatment and in support of his contention he had enclosed a medical certificates also. We find that the appellate order is not a speaking order covering various contentions raised in the appeal as required under Rule 22 of the Railway Servants (Discipline & Appeal) Rules, 1968. Under these circumstances, we set-aside the appellate order and remand the case back to the appellate authority to pass a reasoned and speaking order. The appellate authority is directed to pass <sup>the final</sup> such an order within

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three months from the date of receipt of this order. The application is disposed of accordingly with no order as to costs.

(Dictated in the open Court).

Mr  
(V. NEELADRI RAO)  
Vice Chairman

R. Balasubramanian  
(R. BALASUBRAMANIAN)  
Member (Admn.)

Dated: 23rd March, 1993.  
8 31 393  
Dy. Registrar (Jud1.)

Copy to:-

1. The Divisional Railway Manager (MG), South Central Railway, Secunderabad.
- vsn 2. The Chief Personnel Officer, South Central, Railway, Secunderabad.
3. The Senior Divisional Mechanical Engineer (MG), South Central Railway, Secunderabad.
4. The Assistant Mechanical Engineer (P) P.A.U., South Central Railway, Purna.
5. The General Manager, South Central Railway, Secunderabad.
6. One copy to Sri. V. Venkateswara Rao, advocate, 1-1-294/2, Chikkadapally, Hyd.
7. One copy to Sri. N.V. Ramana, SC for Railways, CAT, Hyd.
8. One spare copy.

Rsm/-

23rd March  
8 31 393

(3)

Q.A.783/92

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.K.BALASUBRAMANIAN :  
MEMBER(ADMN)

AND

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

DATED: 23/3/-1993

ORDER/JUDGMENT

R.P./C.P/M.A.No.

in

O.A.No.

783/92

T.A.No.

(W.P.No. \_\_\_\_\_)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions  
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

