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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.834/91.

Date of Judgement 18.3.1993

K.A.Naidu

.. Applicant

Vs.

1. The Divl. Rly. Manager,
South Eastern Railway,
Waltair, Visakhapatnam-4.
2. The Sr. Divl. Elect.
Engineer (TRD),
South Eastern Railway,
Waltair, Visakhapatnam-4.
3. The Dy. Chief Electrical
Engineer (Construction-I),
South Eastern Railway,
Waltair, Visakhapatnam-4.. Respondents

Counsel for the Applicant :: Shri K.A.Naidu, Party-in-person.

Counsel for the Respondents :: Shri N.R.Devaraj, SC for Railway.

CORAM:

Hon'ble Shri Justice V.Neeladri Rao : Vice-Chairman

Hon'ble Shri R.Balasubramanian : Member(A)

[Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

Shri K.A.Naidu has filed this O.A. against the Divl. Rly. Manager, South Eastern Railway, Waltair, Visakhapatnam-4 & 2 others praying^{for} the quashing of the punishment order passed against him and upheld by the appellate authority. The punishment inflicted upon him is the recovery of Rs.4,606.77 towards cost of materials lost by the Railways and stoppage of an increment for a period of 2 years without cumulative effect.

2. The relevant facts in brief are: While the applicant was working as Head Draftsman under the Senior Electrical Engineer (TRD)/S.E.Rly., Waltair, a charge-sheet dt. 25.2.91 was issued against him. He was charged with failure to maintain absolute integrity and devotion to duty by not handing over the materials worth Rs.4,606.77 and by not adhering to the orders indicated in the transfer order dt. 10.1.83. He was charged with

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misconduct. The applicant replied the charge-sheet on 8.3.91. This was followed by the punishment order dt. 28.3.91 against which he preferred an appeal on 11.4.91. The appellate authority rejected the appeal on 29.4.91. Aggrieved, this O.A. is filed.

3. The respondents oppose the O.A. and have filed a counter. When he was transferred in January, 1983 he was specifically directed to hand over all the stores and relevant records to the EFO/OHE/RE/WAT. He was, however, relieved on transfer pending handing over the stores, since the applicant expressed certain difficulties in complete handing over. Subsequently, when the 2nd and 3rd respondents wanted in April, 1984 to complete the handing over/taking over, the applicant was not coming forth earnestly. Continued and protracted attempts by the respondents to get response from the applicant were stated to have failed. Even the charge-sheet issued failed to evoke any tangible response. It is asserted that the applicant lacked devotion to duty and is guilty of misconduct.

4. We heard the party-in-person and the respondents through their counsel. We have also examined the case carefully. The case of the applicant is that his relief from Railway Electrification to Open Line in 1983 should be automatically taken to mean that it was only after making over all the stores and records as indicated in the transfer order. The respondents stoutly deny this, stating that he was relieved pending making over of certain stores and records due to the pressure from the applicant as well as requirements of the Open Line Section. In his reply to the charge-sheet, ~~in~~ the appeal and also the hearing, the applicant repeatedly pleaded that he had made over, all the stores and had furnished some details too. In the face of this, we find that the appellate authority has not bestowed the attention required under the rules. Disciplinary proceedings are quasi-judicial in nature

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and the orders passed should have the attributes of a judicial order. The Hon'ble Supreme Court has observed (AIR 1970 SC 1302) that recording of reasons in support of a decision by a quasi judicial authority is obligatory to ensure that the decisions are reached in accordance with law and not as a result of caprice, whim or fancy or reached on ground of policy or expediency. The appellate authority should cover point by point what has been stated in the appeal. In view of this infirmity in the appellate order, we remit the case back to the appellate authority to dispose of the appeal in accordance with rules. The appellate authority should dispose of the appeal within two months of receipt of this order. No order as to costs. The oA is disposed of accordingly.

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(V.Neeladri Rao)
Vice-Chairman.

(R.Balasubramanian)
Member(A).

Dated: 18th March, 1993.

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Deputy Registrar (J)

To

1. The Divisional Railway Manager,
S.C.Railway, Waltair, Visakhapatnam-4.
2. The ~~SE~~ Divisional Elect.Engineer (TRD)
S.E.Railway, Waltair, Visakhapatnam-4.
3. The Deputy Chief Electrical Engineer (Construction-I)
S.E.Railway, Waltair, Visakhapatnam-4.
4. One copy to Mr.K.A.Naidu, Party-in-person,
Head Draughts Man, O/o the Sr.D.E.E. (TRD)
S.E.Railway, Waltair, Visakhapatnam-4.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One spare copy

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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: 18 - 3 - 1993

ORDER/JUDGMENT

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

in

O.A.No. 834/91

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.

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