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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1542/93

Date of Order: 16.12.93

BETWEEN :

B.Appala Naidu

.. Applicant.

AND

1. The Senior Divisional Operating Manager,
South Eastern Railway, Waltair.

2. Divisional Railway Manager,
S.E.Railway, Waltair. .. Respondents.

Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE Mr.V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE Mr.R.RANGARAJAN : MEMBER (ADMN.)

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Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri Patro, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant who was a Switchman was reverted as Token Porter by order dated 1-7-1993 of the Disciplinary authority for a period of three years and the said period was reduced to two years by the appellate authority as per order dated 28-9-1993. This OA was filed praying for quashing the order dated 28-9-93 of the appellate authority and for consequential and attendant benefits.

3. It is contended inter alia that the order of the appellate authority is not a speaking order. The material portion of the order of the appellate authority is as under:

"Sub : D&A Case against Sri B. Appalanaidu, SWM/DSI

In connection with the D&A case against you, the appeal preferred by you dated 10-7-93 addressed to ADRM is put up to the appellate authority and the remarks of the appellate authority is reproduced below for your information.

"The employee has been correctly held responsible. However the quantum of punishment has been reduced to two years instead of three years purely on humanitarian considerations."

4. It is necessary for the appellate authority to consider ~~each and~~ every relevant objection raised in the memorandum of ~~fee~~ But the order of the appellate authority does not even refer to the objections and which lays much less reasons for holding them as untenable. As such the contention for the applicant that the appellate authority had

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: 4 :

Copy to:-

1. The Senior Divisional Operating Manager, South Eastern Railway, Waltair.
2. Divisional Railway Manager, S.E.Railway, Waltair.
3. One copy to Sri. P.B.Vijay kumar, advocate, Advocates associations, High Court Building, Hyderabad.
4. One copy to Sri. N.R.Devaraj, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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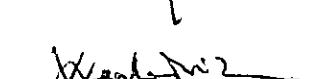
not considered the appeal in accordance with the rule 22 of the Railway Servants D&A Rules, ^{had} have to be upheld.

5. So we are constrained to set aside the order of appellate authority dated 28-9-1993 and ^{remind} remind the matter to the appellate authority (to R-2) for consideration in accordance with the rules 22 of the Railway Servants

6. As it is becoming necessary for the Tribunal to set aside orders of appellate authority on the mere ground that they are not considered in accordance with the relevant rules i.e. Rule 22 of Railway Servants (D&A) Rules, 1968 / Rule 27 of CCS(CCA) Rules, we feel that it is necessary to observe that the Heads of Departments may consider the desirability of issuing booklets by way of guidelines by drawing attention of the relevant rules ~~in regard~~ to the Inquiry Officers/Disciplinary authorities/appellate authorities. The ~~necessity~~ ^{desirability} of giving such booklet as part of record whenever an Inquiry Officer is appointed and such booklet should be supplied to all the Disciplinary authorities and also to the appellate authorities with specific instructions that before proceeding ^{to} the relevant orders they have to look into the specific rules referred to in these booklets, has also to be considered.

7. The OA is ordered accordingly at the admission stage.
No costs.


(R. Rangarajan)
Member(Admn)


(V. Neeladri Rao)
Vice Chairman

Date : December 16, 93
Dictated in the Open Court


D. S. Jadhav
Registrar(Jad.)

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R.M / 28/12

04-1542/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 16/12/1993

ORDER/JUDGMENT

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

O.A.No. 1542/4

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

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

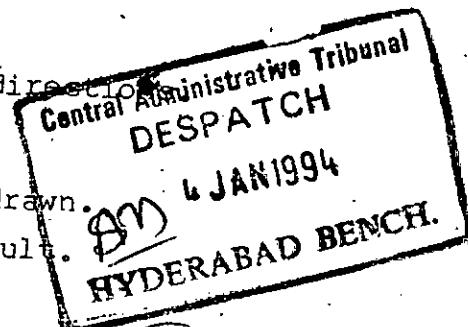
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.



pvm

28/12/93