

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1200/94

DATE OF ORDER : 09-06-1997.

Between :-

Mod.Shaik Bashu

.. Applicant

And

1. Union of India rep. by the  
General Manager, SC Rlys,  
Rail Nilayam, Sec'bad.
2. The Sr.Divisional Electrical  
Engineer, TRSO/SC, BG, SC Rlys,  
Sanchalan Bhavan, Sec'bad.
3. The Addl.Divisional Manager-I/SC,  
BG, Sanchalan Bhavan, Sec'bad.

.. Respondents

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Counsel for the Applicant : Shri N.Krishna Rao

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rlys

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.JAI PARAMESHWAR, Member (J) ).

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(Order per Hon'ble Shri BS Jai Parameshwar, Member (J) ).

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Heard Shri BSA Satyanarayana for Shri N.Krishna Rao,  
learned counsel for the applicant and Shri K.Shiva Reddy,  
learned standing counsel for the respondents.

2. While the applicant was working as Diesel Asst. he was served with a charge sheet dt.30-9-86. In that, the applicant was charged that while he was working as Diesel Asst. of Train No.DN SNF Jumbo Goods Engine No.18254 on 29-7-86, along with one G.A.Sukkaiah, he failed to warn the driver while passing down main Home Signal at danger at Kazipet 'Z' Cabin resulting in head collision with coupled engines No.1737 and 18897 at Chord Line No.2 going to Kazipet shed and as a result the driver of coupled engines succumbed to injuries. A detailed enquiry was conducted. The applicant was served with a copy of the Enquiry Report. He submitted his representation against the report. The Disciplinary Authority (Respondent No.2) considering the report of the Inquiry Officer, and the representation of the applicant, imposed the penalty of removal from service on the applicant by his proceedings No.C/T/5/G/A-4/1 dt.2/6-9-93 (Page-22 of the OA). Against the said order of punishment, the applicant submitted a memorandum of appeal dt.11.11.91. Further by his letter dt.11.10.93 (page-25 of the OA) the applicant submitted additional grounds against the punishment, to the appellate authority (Respondent No.3). The respondent No.3 by his proceedings of even number dt.17-2-94 rejected the appeal submitted by

the applicant, and confirmed the punishment imposed by the

.....3.

respondent no.2 (page 28 of the OA).

3. The applicant has challenged these orders dt.2-6-93 and 17-2-94 of the respondents 2 and 3 in this OA.

4. The respondents have not filed any counter.

5. During the course of arguments, the learned counsel for the applicant submitted that the appellate authority has not at all taken into consideration the various grounds urged in his memorandum of appeal dt.11.11.91 and the additional grounds submitted on 11.10.93.

6. The order of the appellate authority is at page-28 of the OA and it is evident therefrom that the appellate authority has not considered any of the grounds raised by the applicant in his appeal dt.11.10.93. Though we thought of enumerating the applicant's contentions in the appeal, the learned counsel for the respondents submitted that it is not necessary as it is explicitly stated in the appeal. Hence we leave it at that.

7. We find from the disposal of the appeal by the impugned order dt.17-2-94 that the contentions raised in the appeal have not been fully considered and a reply was given without considering the details. The appellate order can be regarded as a non speaking order. It does not comply with the instructions of Discipline & Appeal Rules. Hence we feel that the appellate order dt.17-2-94 has to be set aside and the matter be remitted back to the Appellate Authority (Respondent No.3) for disposal of the appeal afresh after considering all the issues raised in the appeal.

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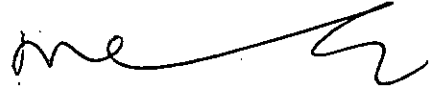
8. In the result, the order dt.17-2-94 passed by the respondent No.3 is set aside and the appeal is remanded back to the respondent No.3 for fresh reconsideration and to pass a speaking order after going into and considering all the contentions raised in the appeal.

9. The DA is ordered accordingly. No costs.



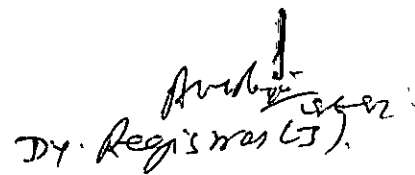
(B.S. JAI PARAMESHWAR)  
Member (J)

9.6.97



(R. RANGARAJAN)  
Member (A)

Dated: 9th June, 1997.  
Dictated in Open Court.

  
Dy. Registrar (J)

avl/

4.5.

## Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Senior Divisional Electrical Engineer, TRSO/SC, BG, South Central Railway, Sanchalan Bhavan, Secunderabad.
3. The Addl. Divisional Manager, -I/SC, BG, Sanchalan Bhavan, Secunderabad.
4. One copy to Mr. N. Krishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Siva Reddy, SC for Rlys., CAT, Hyderabad.
6. One copy to G.R.(A), CAT, Hyderabad.
7. One duplicate copy.

for one copy to Sri Jai Prakash Rao (M.F.)

YLKR

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8/7/97

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

THE HON'BLE JUSTICE  
AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR M

DATED: 9/6/97

ORDER/JUDGEMENT

TYPED BY  
COMPARED BY

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APPROVED BY

in

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
O.A.NO. 128/84

Admitted and Interim directions  
Issued  
Allowed

Disposed of with directions, JAI PARAMESHWAR M  
(3)

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR. / 10 / 10 / 10.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal दिल्ली / DESPATCH 4 III 1997 हयदराबाद बेंच HYDERABAD BENCH Tribunal Court
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