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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ~~AT~~ HYDERABAD BENCH
AT HYDERABAD

O.A.No. 382/95

Date of Order : 20.11.97

BETWEEN :

B.Prabhakar

.. Applicant.

AND

1. Chief Commercial Manager,
S.C.Rly., C.R. Secunderabad.
2. Deputy Chief Commercial Manager,
S.C.Rly., C.R. Secunderabad.
3. Data Based Manager, S.C.Rly.,
C.R/P.R.S. Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.S.Lakshma Reddy

Counsel for the Respondents

.. Mr.K.Siva Reddy

CORAM:

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

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

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.) X

Mr.S.Lakshma Reddy, learned counsel for the applicant
and Mr.K.Siva Reddy, learned standing counsel for the respondents.

2. The applicant herein was directly recruited as Assistant
Station Master through Railway Recruitment Board in the scale
of pay of Rs.1200-2040 and appointed effective from 23.11.94.
It is stated that due to medical deategorisation he was given
alternative posting as ECRC in the same scale of Rs.1200-2040
and was posted at Secunderabad reservation complex.

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3. The applicant while working as such was served with a memorandum of charges dated 25.10.93. The charge levelled against him reads as follows :-

"The said Sri B.Prabhakar, while working as ECRC at CDB Counter at SC on 23.12.1992 in IIInd shift (ie 14.22.00 hrs) failed to keep the used EFT book bearing No.032850 to 032899 (50 foils) in safe custody after using the EFT foils from No.032879 to 032899 (21 foils) during the above shift, after which the used EFT book bearing No. 032850 to 032899 (50 foils) is found to be missing.

By the above act, Sri B.Prabhakar, ECRC/SC has failed to maintain to duty and thereby contravened rule No.3(I)(ii) of Rly.Services Conduct 1966".

4. An enquiry was conducted into the said charge. On 12.4.94 the enquiry officer submitted his report.

5. The disciplinary authority after considering the findings recorded by the enquiry officer imposed the penalty of reduction of pay by one stage in the scale of pay of Rs.1200-2040 for a period of 2 years with cumulative effect. Thus his pay was reduced from Rs.1470 to Rs.1440.

6. Against the said imposition of punishment the applicant submitted a memorandum of appeal dated 3.9.94 to the appellate authority.

7. The appellate authority by his order dated 1.10.94 modified the punishment of reduction of pay by one stage in scale of Rs.1200-2040 for a period of 2 years with non-cumulative effect to that of withholding of an increment for a period of 3 years (non-cumulative).

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8. Against the said order of the appellate authority the applicant submitted a review petition dated 2.12.94. The review authority by his order dated 2.1.95 stated that "punishment imposed by Dy.CCM/CR/SC the appellate authority stands good".

9. During the course of arguments the learned counsel for the applicant submitted that the reviewing authority has not considered the various grounds urged by the applicant in his review petition and that the order of the reviewing authority dated 2.1.95 is cryptic in nature and has passed without the application of mind.

10. An examination of the order of the reviewing authority we find that the reviewing authority has not given any reasons to come to the conclusion that the order of the appellate authority was correct. The order of reviewing authority consists of 4 lines. This itself indicates that the order of the reviewing authority is not a speaking order.

11. Hence we feel it proper to set aside the order dated 2.1.95 passed by the reviewing authority (R-1) and remit the matter to Respondent No.1 to consider the revision petition of the applicant afresh considering each and every grounds taken by the applicant and to pass a speaking order. The reviewing authority shall give reasons for his conclusions and decide the revision petition within 2 months from the date of receipt of a copy of this order.

12. With the above observations the OA is disposed of.

No costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)

20.11.97

Dated : 20th November, 1997

(Dictated in Open court)


(R. RANGARAJAN)

Member (Admn.)

sd

6.10.97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

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

AND

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

Dated: 20/11/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in
D.A.NO. 382/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

