

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.896 OF 1996.

DATE OF ORDER:7-9-1998.

Between:

S.Hare Ram.

.. Applicant

a n d

1. Union of India, rep., by its
General Manager, South Eastern
Railway, Calcutta-43.
2. The Divisional Commercial Manager,
South Eastern Railway, Waltair.
3. The Divisional Railway Manager,
South Eastern Railway, Waltair.
4. The Chief Commercial Manager,
South Eastern Railway,
Garden Reach, Calcutta-43.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT :: Mr.P.B.Vijaya Kumar

COUNSEL FOR THE RESPONDENTS: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.P.B.Vijay Kumar for the Applicant
and Mr.V.Bhimanna for the Respondents.

2. The applicant while working as TTE, Visakhapatnam
was issued with a Charge Memo bearing No.WCZ/VIC'A'/SH/TTE/
VSKP/xx51, dated:18-6-1992 (Annexure-I, Page.7 to the OA).

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The Article of Charge reads as follows:-

ARTICLE-I

Sri S. Hareram did not allow the Vigilance team to enter into his 3-Tier Coach No.S-3(7189) at Mandasa road station for checking although the Vigilance team had shown him of their identity with a view to cover-up his irregularities in S/3(7189) coach.

ARTICLE-II

Sri S. Hareram failed to collect reservation and S/6 from a Passenger holding Ticket No.25881-II/ME., Ex.VSKP to CTC travelling on berth No.16 in S/3(7189) coach of 8046 Dn. of 28/29-11-90.

3. An enquiry was conducted and that Inquiry Report bearing No.E1/D&A/SH/VSKP/92/34, is enclosed at ANNEXURE. A-II to the OA. The charges are sustained. Against that the applicant filed a reply addressed to the Senior D.C.M. which is at Annexure.A-III, Page.17 to the OA. That was disposed of by the impugned Order No.WCZ/VIG.'A'/SH/TTE/VSKPxx51, dated:18-6-1992(Annexure.A-VIII, Page.37 to the OA), holding the applicant responsible for the charges and his pay of Rs.1320/- per month ^{was} ~~is~~ reduced to Rs.1260/- in his time scale of Rs.1200-2040/- for a period of two years with cumulative effect which ^{would} ~~will~~ meet the ends of justice. The applicant contends that, ~~even~~ the Enquiry Officer has not examined any witnesses, ^{It is pertinent to note that} ~~and~~ he has also not quoted any witnesses to be examined. Thereafter, the applicant ~~made~~ an appeal addressed to ~~Respondent~~ No.3 dated:24-4-1994 (which is enclosed at Annexure.A.IV to the OA). That appeal was disposed of by the Appellate Authority by his Order bearing No.WCZ/VIG.'A'/SH/TTE/VSKP/xx51, dated:10-6-94 (Annexure.A-V to the OA). The applicant submits that the

Appellate Authority had not only confirmed ^{the} his punishment awarded to him by the Disciplinary Authority but also enhanced it by saying that his seniority also will be affected on the expiry of the punishment.

4. This OA is filed to set aside the proceedings leading to the Appellate Authority's Order dated: 10-6-1994 by holding the same as arbitrary, illegal and for a consequential direction to the respondents to restore all the monetary benefits/pay with-held together with attendant/benefits.

5. No reply has been filed in this OA. As no reply has been filed, the contention raised in this OA could not be examined. ^{the OA is disposed in} In the light of the submission made by the respondents, ^{no} record has also been produced.

6. We find from the Appellate Authority's Order dated: 10-6-1994, that the Order is ^{very} cryptic and concise. The applicant had submitted an appeal running about 4 to 5 pages explaining the various reasons for setting aside the Order of the Disciplinary Authority. The Appellate Authority should, at least, concisely say in his Order the various contentions raised and how they are disposed of. In our opinion, Rule 22(2) OF Railway Servants ^{(D&A) Rules} has not been followed by the Appellate Authority. Hence, on that score and also on the basis, that no reply has been filed, the Appellate Authority Order has to be set aside, and the case has to be remitted back to the Appellate Authority to examine his appeal *de novo* and pass a Speaking Order within three months from the date of receipt of a copy of this Order. In the result the impugned Order dated: 10-6-1994 of Respondent No.3 is set aside. The case is remitted back to R-3

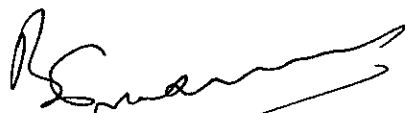
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for deciding the appeal by giving a personal hearing to the applicant, if he requests so, in accordance with the law within a period of three months from the date of receipt of a copy of this Order.

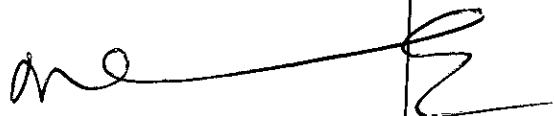
7. The OA is ordered accordingly. No costs.



(B.S.JAI PARAMESHWAR)

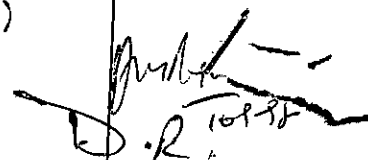
MEMBER (JUDL)

7.9.88



(R.RANGARAJAN)

MEMBER (ADMN)



Dated: this the 7th day of September, 1988

Dictated to steno in the Open Court

DSN

DA.896/96

Copy to:-

1. The General Manager, South Eastern Railway, Calcutta.
2. The Divisional Commercial Manager, South Eastern Railway, Waltair.
3. The Divisional Railway Manager, South Eastern Railway, Waltair.
4. The Chief Commercial Manager, South Eastern Railway, Garden Reach, Calcutta.
5. One copy to Mr. B.P.Vijaya Kumar, Advocate, CAT., Hyd.
6. One copy to Mr. V.Bhimanna, Adml.CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

20/9/88

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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED:

7/9/88

ORDER/JUDGMENT

~~M.A./R.A./C.P. NO.~~

in

C.A. NO.

896/86

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

