

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 527 of 1998

Jabalpur, this the 5th day of March, 2003.

Hon'ble Mrs. Shyama Dogra, Member (J)

Shri ~~Abheer~~ Abheer Ahmed Khan, Office
Superintendent Gr. I, Office of Divisional
Railway Manager, Bhopal.

-APPLICANT

(By Advocate- None)

VERSUS

1. Union of India through
its General Manager, Central
Railway, Mumbai CST.
2. Divisional Railway Manager,
Central Railway Bhopal.
3. Shri V.K. Jain, the then Addnl.
Divisional Railway Manager, now
Chairman, Railway Recruitment Board,
Bhopal.
4. Dr. N.C. Meshram, Sr. Divisional
Personnel Officer, Central Railway,
Bhopal.
5. Shri Vaibhav Chauhan,
Divisional Personnel Officer,
Central Railway, Bhopal.

-RESPONDENTS

(By Advocate- Mr. S.P. Sinha for
official respondents)

ORDER (ORAL)

S.P. Sinha
The applicant has prayed for expunction of remarks
being recorded in ^{his} Confidential Report for the year ending
31.3.1997 as contained in Annexure A-2 with prayer to quash
the Annexure A-4 dated 2.6.1998.

2. The applicant has challenged this order Annexure A-4
on the ground that the same has been passed without affording
any opportunity to the applicant and the adverse remarks have
also been recorded in his confidential report by violating
the principles of natural justice.

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3. The respondents have filed written statement and supported the contention as set-out at Annexure A-4 on the ground that such remarks were communicated to the applicant and was warned several times orally for improving his working and the Accepting Authority recorded his performance Below Average without any malafide intention. The representation of the applicant has been examined by the Competent Authority, who has rejected his claim after applying his mind without any bias and malafide intention.

4. It has also been mentioned in para 3.4 of the written ^{that} statement/his confidential report for the said period was recorded by the Reporting Authority on 22.5.1997 and Reviewing Authority on 11.8.1997. The Accepting Authority has recorded his comments on the basis of over all performance and keeping in view the oral warnings and dereliction of duties resulting in many complaints against him as "poor staff satisfaction, too many staff representation ^{based} Below Average". The said recording is/on his personal experience and other records.

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5. I have/the learned counsel for the respondents.

6. After perusal of the records particularly Annexure A-4, which has been passed by one Senior DPO, Bhopal while communicating the decision of the Competent Authority to the applicant that the Competent Authority has decided that "the remarks as communicated to the applicant vide Annexure A-2 dated 30.4.1998 will stand good," it is found that no reason whatsoever has been mentioned while passing the said order, which has not been communicated to the applicant in its original, ^{only been} only. He has/intimated vide ~~his~~ letter dated 2.6.1998 (Annexure A-4) that his representation has been decided by the Competent Authority. Therefore, I ^{is} find that this order/very cryptic and unreasonable, as the

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original order being passed by the Competent Authority has not been attached with this letter nor the same has been sent to the applicant, which clearly shows that no reason has been given while passing this order of rejection of his representation. In spite of the fact that while sitting in the capacity of quasi-judicial authority, the Competent Authority is bound to give support his order with reasons on the basis of which he arrives at to some conclusion for rejection or allowing ~~one's claim~~.

7. Therefore, keeping in view of the aforesaid observations the matter is remitted back to the concerned authority, i.e., Additional Divisional Railway Manager (DRM), Bhopal to decide it afresh and to pass an appropriate speaking and reasoned order after giving an opportunity to the applicant of being heard and communicating the said order to the applicant in accordance with the law. In view of this Annexure A-4 dated 2.6.1998 is hereby quashed and set-aside with directions to the above said authority to decide the representation of the applicant within a period of three months from the date of receipt of copy of this order. With these observations and directions this O.A. stands disposed of with no order as to costs.

Shyama Dogra
 (Mrs. Shyama Dogra)
 Member (J)

'MA'

पृष्ठंकल सं ओ/न्या.....जबलपुर, दि.....

व्यक्तिगत तमके रिपोर्ट -

- (1) एडिशनल डिविजनाल रेलवे मैनेजर, जबलपुर
 - (2) जे.ए.ए.ओ. के कार्यालय
 - (3) प्रमुख, जे.ए.ए.ओ. के कार्यालय
 - (4) अध्यक्ष, जबलपुर न्यायपीठ
- सूचना एवं आवश्यक कार्यवाही हेतु

A. K. Tiwari - Actd
S. P. Sinha - Actd

Shyama
 28/8/03

Issued
 on 21-3-03
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