

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2228/2002

New Delhi this the 29th the day of August, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T.Rizvi, Member (A)

Dr. (Mrs.) Urmil Rehni,
W/O Dr.P.K.Rehni R/O
4/475, R.K.Puram, New Delhi

..Applicant

(By Advocate Dr.D.C.Vohra)

VERSUS

1. Union of India through the Secretary, Deptt. of Indian System of Medicine & Homoeopathy Ministry of Health and Family Welfare, IRCS Building Red Cross Road, New Delhi.
2. The Director, Central Council for Research in Indian Medicine and Homoeopathy 61-65 Institutional Area, Opp. D-Block, Janakpuri, New Delhi-110058

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Dr.D.C.Vohra, learned counsel for the applicant. The applicant is aggrieved by the action taken by the respondents in rejecting her representation ever after re-consideration of her claim of pay protection i.e. the pay benefit of services rendered with Respondent No.2 i.e. Central Council for Research in Indian Medicine and Homoeopathy (CCRICH) after she joined services with Respondent No.1 on selection by the UPSC w.e.f. 31.10.1986. We have seen the impugned letter issued by the respondents dated 15.1.2002 (Ann.A.2) which/ has been conveyed to the

8/

(3)

applicant by letter dated 22.3.2002.

2. One of the grounds taken by the learned counsel for the applicant is that the aforesaid impugned order is not a speaking order which has been passed after reconsideration of applicant's case by the Department without application of mind or giving any reasons to reject her claim. It is settled law that the respondents while disposing of applicant's representations especially after reconsideration of her case with regard to the claim made by her for enhancement of pay in accordance with the rules and instructions, have not cared to mention any reasons whatsoever in the impugned letter which can only be termed as what the Hon'ble Supreme Court has in one of the cases stated is a "Sphinx like order". In other words, it was incumbent upon the respondents to have passed a reasoned and speaking order when they have taken a decision to dismiss the applicant's claim, which they have failed to do in the present case. Although we note that the learned counsel has set out a number of other grounds in the OA to challenge this order, it is needless to say that the applicant would be in a better position to re-agitate her claim as a whole provided they had been duly informed. The respondents have chosen to dismiss her claim in the first instance without mentioning the rules and instructions which have been issued by the Government of India from time to time. It is, therefore, necessary for the respondents to pass a reasoned and speaking order in such circumstances, taking into account the facts and circumstances of each case and applying the relevant law/rules and instructions.

3. In the above facts and circumstances of the case, Dr.D.C.Vohra, learned counsel has submitted that he would



be satisfied if a direction is given to the respondents to pass a reasoned and speaking order after taking into account the order grounds taken by the applicant in the present application as a part of the representation.

4. In view of what has been stated above, the O.A. is disposed of at this ~~stage~~ ^{Yr} stage, ~~even~~ ^{Yr} without issuing notices to the respondents with the following directions:-

(i) Respondent No.1 shall look into the earlier representations submitted by the applicant and have the same considered afresh by the competent authority, after taking into account the grounds taken in the present OA and pass a reasoned and speaking order duly supported with the relevant provisions of law/rules and instructions they rely upon, in continuance of the aforesaid letter dated 15.1.2002. This shall be done within a period of two months from the date of receipt of a copy of this order, with intimation to the applicant. It is open to the applicant, if she is aggrieved, by the order which is to be passed by respondent No.1 to re-agitate the same in accordance with law.

(ii) Let a copy of the OA be also sent along with the order to respondent No.1 for compliance in terms of the above order.


(S.A.T. Rizvi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

sk