

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD

Dated: This 11th day of December 2019

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

Original Application No. 330/00303/2017

Anil Kumar Maurya, aged about 28 years, son of Sri Suresh Chandra Maurya, Resident of Mohalla Azad Nagar, Sipaha Mugrabadshahpur, District Jaunpur (Uttar Pradesh).

.....Applicant

By Advocate: Shri Dharmendra Tiwari

Versus

1. Union of India through the Secretary, Ministry of Defence (Army), New Delhi.
2. Director General (Personnel/E1), Military Engineering Services, Engineer in Chief's Branch Integrated, Headquarter of Ministry of Defence (Army) Kashmir House, Rajaji Marg, New Delhi 110011.
3. Chief Engineer, Headquarter, Central Compound E1C (1) Lucknow PIN 900450, C/o 56 APO.
4. Chief Engineer (Headquarter), Bareilly Zone, Bareilly PIN 243001, C/o 56 APO.

.....Respondents

By Advocate: Shri Ajay Kumar Mishra

ORDER

1. The present O.A. has been filed by applicant Anil Kumar Maurya seeking quashing of impugned order dated 06.04.2016 and further direction to the respondents to pay him the salary due to him for the period 10.12.2014 to 06.07.2015. During the course of arguments by learned counsel for the parties, learned counsel for applicant argued that the impugned order dated 06.04.2016 (Annexure 1) rejected his representation dated 27.03.2015 (Annexure 5), which direction to

dispose of representation was ordered by C.A.T, Allahabad Bench vide order dated 29.01.2016 (Annexure 7).

2. It is the case of applicant that vide order dated 29.01.2016, the Tribunal had directed the respondents to decide the representation of the applicant by passing the reasoned and speaking order. It has been argued by learned counsel for the applicant that despite direction of the Tribunal to pass a reasoned and speaking order, the respondents have failed to consider his case as made out in para 4 and 5 of his representation and decide the same by way of impugned order.
3. I have heard and considered the arguments of learned counsels for the parties and gone through the material on record. Learned counsel for applicant reiterated the pleas raised by him in the O.A. during his arguments. On the other hand, learned counsel for respondents argued that the impugned order has been passed in accordance of law and direction given by the Tribunal, as such, the O.A. be dismissed.
4. Undoubtedly, the Tribunal had directed to consider the representation of the applicant and decide it by way of reasoned and speaking order. However, the impugned order shows that the entire averments made in the representation have not been taken note of by the respondents and no finding has been given on the points so raised by the applicant in his representation.
5. In view of facts of the case as discussed above, it is apparent that the respondents have not disposed of the representation of the applicant by way of reasoned and speaking order as directed by the Tribunal.

Accordingly, the impugned order dated 06.04.2016 is set aside. Respondent No.3 is directed to reconsider the all the points raised by the applicant in his representation and dispose of the same by way of reasoned and speaking order with intimation to the applicant within two months from the date of receipt of certified copy of this order. Respondent No.3 while considering the representation of the applicant shall also take into account the averments made in the present O.A. Original Application is disposed of. No order as to costs

(RAKESH SAGAR JAIN)

Member (J)

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