

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00601/2017

Jabalpur, this Thursday, the 20th day of August, 2020

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



R.D.Kushwaha, S/o Late Shri Sitaram Kushwaha,
aged about 56 years, Ex. Divisional
Electrical Engineer/TRD/Bhopal (MP),
Pin code:-462001, Mob. No. Nil

-Applicant

(By Advocate **-Shri K.C.Ghildiyal**)

V e r s u s

1. Railway Board, through its Secretary,
Ministry of Railway, Rail Bhawan, Rafi Marg,
New Delhi, Pin code 110001

2. Union of India, through the General Manager,
West Central Railway, General Manager's Office,
Indira Market, Jabalpur (MP), Pin code 482001

3. The Chief Electrical Engineer,
West Central Railway,
General Manager's Office,
Indira Market,
Jabalpur (MP), Pin code 482001

4. The Divisional Railway Manger,
West Central Railway,
Habibganj, Bhopal (MP),
Pin code 462001

5. Shri Yogendra Baghel, Senior Divisional Electrical
Engineer/TRD/Bhopal, DRM Office,
Bhopal (MP), Pin code:-462001

- Respondents

(By Advocate **-Shri Swapnil Ganguly**)

O R D E R(ORAL)**By Ramesh Singh Thakur, JM:-**

MA No.200/429/2020 has been filed by the applicant seeking permission to direct the respondent No.3 to reconsider the representation of the applicant and decide the same afresh by passing a reasoned and speaking order.

2. This Original Application has been filed by the applicant challenging the order dated 29.05.2017 passed by respondent No.3 on representation of the applicant submitted against the average grading recorded by respondent No.5 in the APAR for the year 2015-2016 in the capacity of Reporting Officer.

3. The learned counsel for applicant has attracted our attention to Annexure A-3 dated 23.07.2016 whereby the applicant has represented to Accepting Authority in the said representation in detail. Our further attraction has been drawn towards Annexure A-4 dated 29.05.2017 (impugned order), whereby the only reason given by the

competent authority is that the representation is rejected because the new additional facts have not been given.

4. We have minutely considered the Annexure A-3 representation and the impugned order at Annexure A-4 and we found that the competent authority has not given reasons qua the submissions submitted by the applicant as per Annexure A-3.

5. Learned counsel for the applicant has relied upon the judgment passed by the Hon'ble Apex Court in the matters of **Kranti Associates Private Limited and Anr. vs. Masood Ahmed Khan and others**, (2010) 9 SCC 496.

6. On the other side, the learned counsel for the respondent submits that the applicant may be allowed to file a detailed representation afresh.

7. At this stage, we do not find any force in the submissions put forth by the counsel for the respondents due to the fact that Annexure A-4 is not a speaking and



reasoned order. The said submission put forth by learned counsel for the respondents is rejected.



8. In view of the settled position in the matters of **Kranti Associates Private Limited** (supra), we have no hesitation to quash and set aside the order dated 29.05.2017 (Annexure A-4). However, respondents are at liberty to pass the speaking order afresh within a period of four weeks from the date of receipt of a certified copy of this order.

9. With these observations this M.A. is allowed and the Original Application is accordingly disposed of.

10. Needless to say that the respondents shall dealt with each and every points raised by the applicant.

(Naini Jayaseelan)
Administrative Member
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(Ramesh Singh Thakur)
Judicial Member