

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

Original Application No. 763 of 2001

Thursday, this the 18th day of February, 2010

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha, Member (A)

Niraley Mian S/o Shri Chhiddan Khan, Resident of Village and Post Office Ikari District Budaun (U.P.) Ex-EDBPM Ikari Distt. Budaun.

Applicant

By Advocate: Sri R.C. Pathak

Vs.

1. Union of India through the Secretary for Communication Ministry of Communication, Department of Posts, Govt. of India, Dak Bhawan, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow 226001.
3. The Post Master General, Bareilly Region, Civil Lines, Bareilly (U.P.)
4. The Senior Superintendent of Post Offices, Bareilly Division, Head Post Office, Bareilly (U.P.).
5. The Superintendent of Post Offices, Budaun Division, Budaun (U.P.) 243 601.

Respondents

By Advocate: Sri J.N. Sharma

ORDER

By Hon'ble Mr. A.K. Gaur, J.M.

We have heard Sri R.C. Pathak, learned counsel for the applicant and Sri J.N. Sharma, learned counsel for the respondents, and perused the pleadings on record.

2. It is urged by Sri Pathak that against the order of punishment dated 06.07.1998, debarring the applicant from appearing in the departmental examination and promotion for a period of five years,

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the applicant preferred a Revision Petition to the Chief Post Master General, who after analyzing the case, came to the conclusion that the punishment awarded to the applicant is wholly inadequate and he issued a notification for enhancement of punishment vide order dated 16.04.2001. After receiving the reply of delinquent employee i.e. the applicant, the order-dated 12.06.2001 has been passed by the then Chief Post Master General, U.P. Parimandal, Lucknow. Learned counsel for the applicant would contend that the order of Revisional Authority is wholly cryptic, non-speaking and has been passed without application of mind and same deserves to be quashed and set aside. We have carefully seen the impugned order dated 12.06.2001. Learned counsel for the respondents stated that the competent authority has passed the order after giving show cause notice to the applicant.

3. Having gone through the order of Revisional Authority, we are firmly of the view that the order passed by the Chief Post Master General dated 12.06.2001 (annexure A-1) is cryptic, non-speaking and suffers from non-application of mind, as the grounds raised in the memo of revision were not considered by the Revisional Authority. Our view finds support from the following cases: -

“1. Ram Chandra vs. Union of India and others 1986 SCC L&S 383;

2. N.M. Arya vs. United India Insurance Co. 2006 SCC L&S 840;

3. D.F.O. vs. Madhusudan Rao 2008 Vol. I Supreme Today pg. 617;

4. Director I.O.C. vs. Santosh Kumar 2006 Vol. 11 SCC page 147.


In all the aforesaid pronouncements, it has been held by the Hon'ble Apex Court that while deciding the representation/appeal by the competent authority, speaking order should be passed.

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4. In view of the above discussion, we hereby set aside the impugned order dated 12.06.2001 (annexure A-1) and remand the matter back to the Appellate Authority to decide the Revision by a speaking order taking all the grounds taken in the Revision within a period of three months from the date of receipt of a certified copy of this order. The decision taken shall be communicated to the applicant forthwith.

5. With the above direction to the appellate authority, the O.A. stands partly allowed. No order as to costs.


(D.C. Lakha)
Member (A)


(A.K. Gaur)
Member (J)

/M.M/