

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1019 OF 2001

ALLAHABAD, THIS THE 21st DAY OF JANUARY, 2008

HON'BLE MR. A. K. GAUR, MEMBER-J
HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A

Hukum Singh, S/o Shri Brahmacharry,
Aged about 35 yrs, r/o Plot No.578,
Nayi Basti, Shivanagar, Mesvanpur,
Post Rawatpur, Kanpur.

.Applicant

By Advocate : Sri R. K. Shukla

Versus

1. Union of India through the Secretary,
Ministry of Defence,
New Delhi.
2. Director General of Quality Assurance,
Department of Defence Production and Supplies,
DGQA, New Delhi.
3. Sr. Quality Assurance Establishment
(Small Arms) Armapore Post,
Kanpur.
4. Controllerate of Quality Assurance (Weapons)
Jabalpur through its Director.

.Respondents

By Advocate : Shri S. Singh

O R D E R

HON'BLE MR. A. K. GAUR, MEMBER-J

Learned counsel for the applicant at the very outset contended that the representation filed by the applicant against the enquiry report has not at all been considered by the Disciplinary Authority. He also prayed that the order passed by the Appellate Authority is not in conformity with Rule 27(2) (a) (b) and (c) of CCS (CCA) Rules 1965. The Appellate

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Authority must have considered the appeal of the applicant in the light of the aforesaid provisions. On the other hand learned counsel for the respondents failed to justify the passing of the Appellate order on any ground.

2. Having heard parties counsel at length, we are fully convinced that the Appellate Authority has failed to consider the appeal of the applicant by a reasoned and speaking order. The Appellate Authority has also failed to take into account the fact that the respondents have not followed the provisions of Rule 15(2-A) and Rule 14(18) of CCS (CCA) Rules 1965. Accordingly, we hereby direct the Appellate Authority to reconsider the appeal of the applicant taking into account the grounds enumerated in the memorandum of appeal and also taking into account the pleas taken in the OA. The Appellate Authority shall also consider and take into account the consequences of non following the provisions of Rule 15(2-A) and Rule 14(18) of the CCS (CCA) Rules 1965, while passing the order on the Appeal of the applicant.

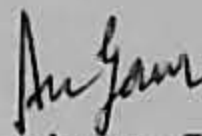
3. The Appellate Authority is directed to reconsider the case of the applicant in the light of the aforesaid observations by passing a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of this order.

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3. With the above observations the OA is disposed
of. No Costs.



Member-A



Member-J

/ns/