

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 17th day of May 2010

Original Application No. 13 of 2004

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. S.N. Shukla, Member (A)

Anil Mishra, S/o N. Prasad, R/o 458, Beharipur, Civil Lines, Bareilly UP.

... Applicant

By Adv : Sri R.C. Pathak

V E R S U S

1. Union of India through General Manager, North Eastern, Railway, HQ Gorakhpur.
2. The Divisional Railway Manager (DRM), North Eastern Railway, Izzatnagar, Bareilly UP.
3. The Additional Railway Manager (ADRM), North Eastern Railway, Izzatnagar, Bareilly UP.
4. The Divisional Railway Manager (Commercial), North Eastern Railway, Izzatnagar, Bareilly UP.

... Respondents

By Adv: Sri K.P. Singh

O R D E R

By Hon'ble Mr. A.K. Gaur, Member-J

Heard Sri R.C. Pathak, learned counsel for the applicant and Sri M.K. Dhruvansi brief holder of Sri K.P. Singh, learned counsel for the respondents.

2. Learned counsel for the applicant would contend that the Appellate Order dated 20/21.05.2003 (Annexure A-1) has been passed in a most casual and perfunctory manner as well as while

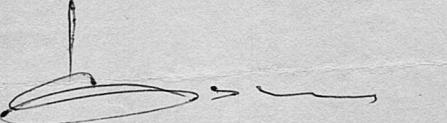
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deciding the appeal of the applicant grounds taken in the memorandum of appeal has not at all been considered.

3. Perusal of the record clearly indicates that the order passed by the Appellate Authority dated 20/21.05.2003 (Annexure A-1) has been passed in a most casual and perfunctory manner without application of mind. In view of the decisions rendered by Hon'ble Supreme Court in *AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and others, 2006 (11) SCC 147 : Director IOC Vs. Santosh Kumar, JT 1994 (1) SC 597 : National Fertilizer Vs. P.K. Khanna and 2006 SCC (L&S) 840 : N.M. Arya Vs. United Insurance Co.* The Appellate order deserved to be quashed and set aside.

4. We accordingly quash and set aside the Appellate order dated 20/21.05.2003 (Annexure A-1) and remit back the case of the applicant to the Appellate Authority for reconsideration of the entire case taking into account all the grounds, by passing reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

5. In view of our above observation the OA is disposed of. No cost.



Member (A)



Anil Gaur
Member (J)

/pc/