

Open Court
CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

(THIS THE 31st DAY OF JULY 2009)

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

Original Application No. 1449 of 2004

(U/S 19, of the Administrative Act, 1985)

Manik Chandram Gupta s/o Sri Shiv Lal Vaishya. R/o 386/6-D,
Lav Kush Colony, Himmatganj. Allahabad

.....Applicants

By Advocates:- Shri Rajesh Mishra

Versus

1. Union of India through its Secretary. Ministry of Post and Telegraph, New Delhi.
2. Chief Post Master General, U.P. Circle Lucknow.
3. The Director, Postal Service, Allahabad Region, Allahabad.
4. Sr. Superintendent of Post Office, Allahabad.

.....Respondents

By Advocate:- Sri S.C. Mishra.

Delivered By Hon'ble Mr. A. K. Gaur, Member (J)

I have heard Shri Rajesh Mishra learned counsel for the applicant and Shri S.C. Mishra learned counsel for the respondents.

2. Mr. Rajesh Mishra learned counsel for the applicant invited my attention to the appellate order passed by Appellate Authority

✓

and submitted that appellate order is non-speaking, cryptic and is not according to the decisions of Hon'ble Supreme Court rendered in **Ram Chandra – 1986 SCC (L&S) 383, N.M. Arya Vs. United India Insurance Company – 2006 SCC (L&S) 840, and DFO Vs. Madhusudan Rao – 2008 Vol. I Supreme Today page 617.**

3. Mr. Rajesh Mishra learned Counsel for the applicant also submitted that in an identical situation this Tribunal has passed order dated 21 November, 2003 in O.A. No. 1219 of 2003 Chhote Lal Yadava Vs. Union of India and Others. This Tribunal considered the case of the applicant and quashed the impugned order and directed respondents to grant him all the consequential benefits.

4. Having heard parties counsel I hereby quash and set aside the order dated 31.12.1999, and remit the matter back to the Appellate Authority to consider the case of the applicant in accordance with the provision of rules and in the light of the decision rendered in O.A. No. 1219 of 1999 Chhote Lal Yadav Vs. Union of India and others decided on 21 November, 2003. Applicant is directed to supply a copy of the Judgment rendered in O.A. No. 1219 of 1999 alongwith copy of Order/Judgment passed by the Tribunal, within a period of two weeks from the date of receipt of copy of this order, after receiving the order of the Tribunal, the Respondent shall pass appropriate reasoned and speaking order within a period of three months taking into account the grievances of the applicant.

5. With the aforesaid observations, this O.A. is disposed of finally. No order as to costs.

Anil Gaur
Member-J

Dev