

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 29th DAY OF JULY 2009)

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

Hon'ble Mr. D.C. Lakha Member (A)

Original Application No.189 of 2004

(U/S 19, Administrative Tribunal Act, 1985)

1. Bhagwan Swaroop Son of Arami Lal Resident of 66/240, Hari Pura Dhanala, Agra.
2. Chhaman Lal Son of Palo Ram Resident of 21, Maulkha, P.O. Pratap pura, Agra.
3. Tilak Singh Son of Gopal Singh Resident of Nagla Lalyit, P.O. Sadar Bazar, Agra Cantt.
4. Ishtiaq Ali Son of Mohd. Ali R/o 18-A/6-B, Near Soharau Hotel, P.O. Pratap Pura, Agra.
5. Harish Chand Son of Kala Ram Resident of 24-B, Sadar Bazar, Agra.
6. Buddha Ram Son of Triloki Ram Resident of Nagla Makral, P.O. Kakua, Agra.
7. Pratap Singh Son of Ayodhya Prasad Resident of Nand ura Nai Abadi, Devari Road P.O. Sadar Bazar, Agra.
8. Pratap Singh Son of Jawala Prasad, Resident of 63/86, Chawali, P.O. Pratap Pura, Agra.
9. Bhagwan Dass, Son of Munni Lal Resident of 29/278 Gali Masa Devi, Raja Mandi, Agra.
10. Ram Pal Singh, Son of Dayalu Ram Resident of Village Pusena, P.O. Main Purai, Distt. Mainpuri.
11. Maqsood Ali Son of Shaukat Ali Resident of 58/192, Sarai Khwaja Agra.
12. Har Deo Singh, Son of Kishan Lal Meena, Resident of Village Chawali, P.O. Pratap Pura, Agra.
13. Suraj Bhan Son of Chiranji Lal, Resident of 9/24 Namak Mandi, Shahganj, Agra.
14. Chandan Singh Son of Sardar Singh Resident of Village Baipur P.O. Baipur, Agra.
15. Mahendra Singh Son of Gandhi Singh Resident of A-16/112, Kamla Nagar, P.O. Kamla Nagar, Agra.

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16. Charan Singh Son of Thakur Dass resident of Village Nagla Makral, P.O. Kakua, Agra.
17. Tara Singh, Son of Thakur Dass resident of Village Nagla Makral, P.O. Kakua, Agra.
18. Lakhan Singh Son of Mewa Lal, Resident of 63/175, Chawali, P.O. Pratap Pura, Agra.
19. Smt. Indra Kumari, W/o Bhagwat Swaroop Resident of 64, Amit Nagar, Devari Road, P.O. Pratap Pura, Agra.
20. Jai Chand, Son of Natthi Lal, Resident of 96, Bilasganj, P.O. Kalwari, Agra.
21. Prem Chand, Son of Deep Chand Resident of 34/253, Kutalu Pur, Idgah, P.O. Namnee, Agra.
22. Shital Prasad, Son of Shyam Lal, Resident of 37/27, Nagla Padi, P.O. Dayalbag, Agra.

..... **Applicants**

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Director General of Ordnance Service, Master General of Ordnance Branch, Army Head Quarters, DHQ, P.O. New Delhi.
3. Commandant, Central Ordnance Depot, Agra.

..... **Respondents**

Present for Applicant : Shri Yad Mohmmad

Present for Respondents : Shri R.K. Srivastava

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Shri Yad Mohd., learned counsel for the applicant and Shri R.K. Srivastava, learned counsel for the respondents.

2. Having heard parties counsel at length, it transpire that in the representation of the applicant, as directed by this Tribunal in O.A. No.349 of 2000(Bhagwan Swarup and Ors. Vs. Union of India & Ors.) decided on 27.03.2001, the Competent Authority has not applied its mind objectively and considered the grievance of the applicant in the light of the 3rd Pay Commission recommendations of the Anomaly Committee.

[Signature]

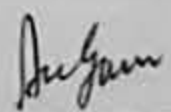
3. Learned counsel for the applicant would contend that the order passed by the Competent Authority is wholly cryptic, non-speaking and without application of mind and have been passed in a most casual and perfunctory manner as it has not been passed in accordance with the decision of Hon'ble Supreme Court in the case of **Ram Chandra - 1986 SCC (L&S) 383** , **N.M. Arya Vs. United India Insurance Company - 2006 SCC (L&S) 840**, and **DFO Vs. Madhusudan Das - 2008 Vol. I Supreme Today page 617**, wherein it has been held that while deciding the representation or appeal or revision by the competent authority, speaking order should be passed.

4. Accordingly we hereby set aside the order dated 12.02.2003/Annexure- 5 of O.A passed by the Competent Authority. The matter is remitted back to the Competent Authority to consider and decide the same representation of the applicant by a reasoned and speaking order taking into account the grievance of the applicant, within a period of three months on receipt of certified copy of the order. While deciding the representation of the applicant the O.A may be treated as part of representation.

5. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be it noted that we have not passed any order on merits of the case.


MEMBER- A.


MEMBER- J.

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