

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 08th DAY OF January, 2010)

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

Hon'ble Mrs. Manjulika Gautam, Member (A)

Original Application No.88 of 2004

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

R.K. Sonkar, aged about 45 years, son of Shri Ram Prasad, Resident of 109/128, Jawahar Nagar, Kanpur, employed as Lower Division Clerk, Establishment Section, Controllerate of Quality Assurance (Materials), Cantt., Kanpur.

..... Applicant

Versus

1. Union of India through the Secretary, Ministry of Defence, Department of Defence Production & Supplies, Government of India, New Delhi.
2. Director General of Quality Assurance, Department of Defence Production & Supplies, DHQ P.O. New Delhi, 110011.
3. Controller, Controllerate of Quality Assurance (Materials), Cantt., Kanpur.
4. Shri B.L. Vimal, presently working as Civilian Security Officer (C.A.S.O.) C.O.D, Agra, Formerly employed as CASO, Controllerate of Quality Assurance (General Stores), Cantt., Kanpur.

..... Respondents

Present for Applicant : Shri N.K. Nair
Shri M.K. Upadhyaya

Present for Respondents : Shri R.K. Srivastava

ORDER

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

We have heard Sri M.K. Upadhyaya, learned counsel for the applicant and Sri R.K. Srivastava, learned counsels for the respondents.

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2. Learned counsel for the applicant submitted that against the order of the Appellate Authority dated 26.6.2001, applicant has preferred a revision petition to the Revisionary Authority, who vide order dated 5.7.2002 has passed order and modified the punishment awarded by the Appellate Authority.

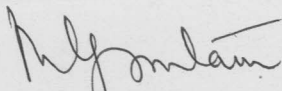
3. The learned counsel for the applicant has vehemently argued that the Revisionary Authority has passed order in a most casual, perfunctory manner and without application of mind. While deciding the revision of the applicant, grounds taken in the memo of revision has not been properly considered by the Revisionary Authority and he has also not looked into the principle of law enunciated by the Hon'ble Supreme Court in following decisions:-

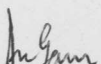
- (i) *AIR 1986 SC 1173: Ram Chand Vs. U.O.I. and Other.*
- (ii) *2006 (11) SCC 147: Director IOC Vs. Santosh Kumar.*
- (iii) *2005 (7) SCC 597: National Fertilizer Vs. P.K. Khanna.*
- (iv) *2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance Co.*
- (v) *2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao.*
- (vi) *2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh.*
- (vii) *JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors.*

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4. Having heard learned counsel for the applicant, we are fully satisfied that part (b) of the order dated 5.7.2002, has been passed by Revisionary Authority, in a most casual and perfunctory manner, without application of mind. Without interfering with (A) part of the order dated 5.7.2002 (Annexure-A-4) as far as it relates to part (b) is quashed and set aside. The matter is remitted back to the Revisionary Authority for reconsideration of the revision petition as far as (b) part of order dated 5.7.2002 (Annexure 1) is related to and pass appropriate reasoned and speaking order in accordance with law within a period of three months from the date of receipt of copy of this order.

5. With the above direction, the OA is disposed of with no order as to costs.


Member (A)


Member (J)

Manish/-