

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 1081 OF 2005.

ALLAHABAD this the 29th day of May, 2009.

1. Smt. Rukha Devi, aged about 51 years, W/o Late Ram Briksha Prasad , R/o village and post Office- Lavakani, District- Dewaria.
2. Nandu Kumar, aged about 22 years, Son of Late Ram Briksha Prasad , R/o village and post Office- Lavakani, District- Dewaria.Applicants.

VE R S U S

1. Union of India through Secretary, Ministry of Communication, New Delhi- 110011.
2. Director General Posts, Ministry of Communication, New Delhi- 110011.
3. Chief Post Master General, Uttar Pradesh Circle, Lucknow.
4. Post Master General, Gorakhpur Reason, Gorakhpur (U.P.).
5. Senior Superintendent of Post Offices, Dewaria, U.P- 274001.

.....Respondents

Advocate for the applicant: Sri S. Lal
Advocate for the Respondents : Sri S.C. Mishra

O R D E R

Learned counsel for the applicant invited my attention to the order dated 08.06.2005/Annexure- 1 of O.A and submitted that the competent authority has rejected his application for appointment on compassionate grounds without assigning any reason. Learned counsel for the applicant would further contend that the pleas raised by the applicant in his representations have not at all been considered and the order dated 08.06.2005 is wholly cryptic, non-speaking and without jurisdiction, therefore same deserves to be quashed.

2. On the other hand learned counsel for the respondents submitted that the order passed by the competent authority is self explained order.

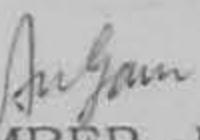
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3. Having heard learned counsel for the parties, prima facie I find that the order dated 08.06.2005/Annexure- 6 of O.A is wholly cryptic, non-speaking and without application of mind and have been passed in a most casual and perfunctory manner as it 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 Rao - 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 I hereby set aside the order dated 08.06.2005/Annexure- 6 of O.A . The matter is remitted back to the Senior Superintendent of Post Offices, Dewaria /respondent No. 5 to consider and decide the representation of the applicant for compassionate appointment afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his representation, within a period of three months on receipt of certified copy of the order in accordance with law and relevant rules on the subject and communicate the decision to the applicant.

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.


Arif Jam
MEMBER- J.

/Anand/