

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

**HON'BLE MR.A.K. GAUR , MEMBER (J).  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)**

**Original Application Number. 1301 OF 2005.**

ALLAHABAD this the 10<sup>th</sup> day of **February , 2010.**

*Jagannath*  
adult aged 46 years, son of Shri Baij Nath , Resident of Railway Line  
Malin Basti, Pandav Nagar, Kanpur Nagar.

.....Applicant.

**VE R S U S**

1. Union of India through Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. The Director General Ordnance Factories, Office of Directorate General Ordnance Factories, O.E.F Group Head Quarters, G.T. Road, Kanpur Nagar.
3. The General Manager, Ordnance Equipment Factory, Kanpur Nagar.

.....Respondents

Advocate for the applicant: Sri K. Lal  
Advocate for the Respondents : Sri S.P. Sharma

**O R D E R**

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

Learned counsel for the applicant at the very out set invited our attention to the order dated 30.12.2003/Annexure A-I of O.A passed by the Appellate Authority and submitted that although several points have been raised by the applicant in his appeal dated 29.09.2003 (Annexure XIV of O.A) but the Appellate Authority while deciding the appeal has not

taken into account the same and passed order in a most casual and perfunctory manner.

2. Having heard learned counsel for the parties, *prima facie* we find that the order dated 30.12.2003/Annexure A-I of O.A passed by the Appellate Authority is a non-speaking order and it has been passed without application of mind as the Appellate Authority has not decided the appeal of the applicant dated 29.09.2003 in accordance with the decision of Hon'ble Supreme Court rendered in the case of **Chairman/Disciplinary Authority, Rani Laxmi Bai Gramin Bank Vs. Jagdish Varshney (JT 2009 Vol 4 SC 519), N.M. Arya Vs. United India Insurance Company (2006 SCC (L&S) 840), D.F.O Vs. Madhusudan Das (2008 Vol I Supreme Today page 617), Director, I.O.C Vs. Santosh Kumar (2006 Voll. 11 SCC page 147) and State of Uttarakhand Vs. Karag Singh (2008 Vol 8 SCC page 236)**, in which it has been held by the Hon'ble Apex Court that while deciding the representation/appeal/revision by the competent authority, speaking order should be passed.

3. Accordingly, without entering into merits of the case, we hereby set aside the order dated 30.12.2003/Annexure A-I of O.A passed by the Appellate Authority and remit the matter back to decide the same afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his appeal dated 29.09.2003 (Annexure XIV of O.A), within a period of three months on receipt of certified copy of the order, as contemplated above, in accordance with law and relevant rules on the subject (as referred above) and communicate the decision to the applicant.

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4. With the aforesaid directions, the O.A is allowed partly with no order as to costs.

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

*M. Anand*  
MEMBER- A.

*A. Gaur*  
MEMBER- J.

/Anand/