

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 13th DAY OF January 2010)

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

Original Application No.1356 of 2005
(U/S 19, Administrative Tribunal Act, 1985)

1. Awadhesh Narain Singh, Aged about 50 years, Son of Shri Uday Raj Singh, Resident of 1328/A Manas Nagar, Mughalsarai.
2. V.K. Pandey, aged about 48 years, son of late Shri Shiv Kumar Pandey, Resident of Railway Quarter No. 1267/A, Manas Nagar, Mughalsarai.
3. Anil Kumar Pandey, aged about 50 years, son of Shri Ramakant Pandey, Resident of Railway Quarter No. 401/B.C. Loco Colony, Mughalsarai.

..... ***Applicants***

Versus

1. Union of India through General Manager (P), East Central Railway, Hazipur, Bihar.
2. Divisional Railway Manager (P), East Central Railway, Mughalsarai.
3. Senior Divisional Personnel Officer, East Central Railway, Mughalsarai.
4. General Manager (Vigilance), East Central Railway, Hajipur.

..... ***Respondents***

Present for Applicant : Shri Rakesh Verma
Present for Respondents : Shri K.P Singh

ORDER

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

We have heard Shri Rakesh Verma, learned counsel for the applicant and Shri K.P. Singh, learned counsel for the respondents.

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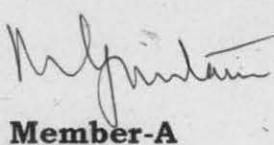
2. It is submitted by learned counsel for the applicant that order dated 29.4.2005 has been passed without application of mind and cryptic.

3. Learned counsel for the respondents stated that he has clarified all the reasons in supplementary counter affidavit.

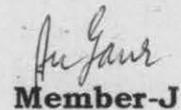
4. Learned counsel for the applicant submitted that in view of decision rendered by Hon'ble Supreme in **AIR 1978 Supreme Court 851 M.S. Gill Vs. Chief Election Commissioner**, the Hon'ble Supreme Court has clearly held that **where the statutory functionary makes an order on certain grounds, its validity must be judged by the reasons so mentioned and the reasons cannot be supplemented by fresh reasons in the shape of Counter Affidavit.**

5. Having heard counsel for the parties, we are fully satisfied that orders dated 29.4.2005 and 04.10.2005 (Annexure A-I and A-VII) is cryptic and the same deserves to be quashed and set aside.

6. In view of our aforesaid observations, we allow the OA, quash and set aside the order dated 29.4.2005 and 04.10.2005 (Annexure A-I and A-VII) passed by the respondents and remit the case back to the Concerned Competent Authority to reconsider the entire case in the light of aforesaid decision within a period of three months from the date of receipt of copy of this order. No order as to costs.



Member-A



Member-J

Manish/-