

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 16th DAY OF MARCH, 2010)

PRESENT:

HON'BLE MR. A. K. GAUR, MEMBER-J

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

ORIGINAL APPLICATION NO. 14 OF 2005

(U/s, 19 Administrative Tribunal Act.1985)

Om Prakash Pandey, aged about 45 years, son of Late R.B. Pandey, resident of House No. 120/311, Lajpat Nagar, Kanpur, Previously employed as Chargeman Gr. II, Field Gun Factory, Kanpur.

.....Applicant

By Advocate: Shri V. Budhwar

Versus

1. Union of India, through the Secretary, Ministry of Defence, Department of Defence Production, Government of India, New Delhi.
2. Chairman, Ordnance Factory Board/Director General of Ordnance Factories, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-700 001.
3. Additional Director General of Ordnance Factories/Member/Appellate Authority, Ordnance Factory Board, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-700 001.
4. The General Manager, Field Gun Factory, Kalpi Road, Kanpur-208 009.
5. Sri K.L. Sapra, son of Late S.R. Sapra, resident of House No. 884, Sector-38-A, Chandigarh, Previously employed as General Manager and Senior General Manager, Field Gun Factory, Kalpi Road, Kanpur (Retired).
6. Sri R.K. Dhingra, Deputy General Manager, Cordite Factory, Arvankadu, Tamilnadu, Previously posted as a Works Manager, Field Gun Factory, Kalpi Road, Kanpur.
7. Col. D.D. Sharma (Retired), son of Sri Shiv Sahai Sharma, resident of House No. 64, Sadar Bazar, Lucknow, Previously posted as a Security Officer, Field Gun Factory, Kalpi Road, Kanpur.
8. Sri Rajeev Kumar, presently posted as a Joint General Manager, Field Gun Factory, Kalpi Road, Kanpur.

..... Respondents

By Advocate: Shri S. Srivastava

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ORDER

(DELIVERED BY:- MR. A. K. Gaur, MEMBER-JUDICIAL)

List has been revised none appears for the respondents even in the revised call. It is reported by Bench Secretary that there is illness slip of Sri Saurabh Srivastav. Matter relates to the year 2005. This Court is reluctant in granting adjournment in such old cases. Heard Sri V. Budhwar, learned counsel for the applicant and Shri Pankaj Srivastav holding brief of Sri S. Srivastav, learned counsel for the Respondents.

2. Sri V. Budhwar, learned counsel for the applicant invited our attention to the disciplinary order as well as appellate order and contended that both orders are cryptic and non-speaking and deserve to be quashed and set aside.

3. We have carefully seen the order dated 13.2.2004 passed by the appellate authority. We have also carefully perused the memo of appeal (annexure A-96). It is an appeal containing 385 pages and more than 60 grounds have been taken by the applicant. A perusal of the order passed by the appellate authority clearly indicates that he has not passed the order in accordance with the dictum of law laid down by Hon'ble Supreme Court in following cases :-

A. Chairman/Disciplinary Authority, Rani Laxmi Bai Gramin Bank Vs. Jagdish Varshney (JT 2009 Vol 4 SC 519),

B. N.M. Arya Vs. United India Insurance Company (2006 SCC (L&S) 840),

C. D.F.O Vs. Madhusudan Das (2008 Vol I Supreme Today page 617),

D. Director, I.O.C Vs. Santosh Kumar (2006 Voll. 11 SCC page 147), and

E. State of Uttaranchal Vs. Karag Singh (2008 Vol 8 SCC page 236).

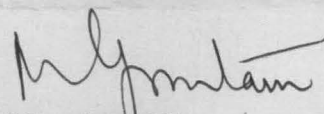
In the aforesaid cases the Hon'ble Apex Court has held that while deciding the representation/appeal/revision by the competent authority, speaking order should be passed.

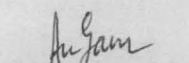
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4. In view of the law laid down by the Apex Court, It was the bound duty of appellate authority to consider all the relevant grounds taken in memorandum of appeal. In our considered view the Appellate Authority has passed order completely in violation of settled principal of law and without application of mind. We hereby quashed and set aside the order dated 13.02.2004(annexure A-2) and remit the matter back to the Appellate Authority to reconsider the appeal of the applicant and to pass appropriate reasoned and speaking order in accordance with law within a period of three months from the date of receipt of certified copy of the order .

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

Be it noted that we have not passed any order on merits of O.A.


Member (A)


Member (J)

/Shashi/