

OPEN COURT

**CENTRAL ADMINISTRATAIVE TRIBUNAL ALLAHABAD BENCH:  
ALLAHABAD**

**(THIS THE 8<sup>th</sup> DAY OF DECEMBER 2009)**

**PRESENT**

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

**ORIGINAL APPLICATION No. 1502 OF 2005.**  
(Under Section 19, Administrative Tribunal Act, 1985)

Govind Prasad II, aged about 36 years, son of late Shiv Dhari Ram, Resident of Varuna Pul, Varanasi, presently posted as Postal Assistant P.O. HO. Cantt. Varanasi.

.....Applicant.

By Advocate: Shri Rajeev Trivedi  
Shri Vivek Srivastava  
Shri V.K. Srivastava

**Versus**

1. Union of India through Principal Secretary, Ministry of Telecommunication, Department of Post, New Delhi.
2. Chief Post Master General, U.P Circle Lucknow.
3. Director, Postal Service, Allahabad Region Allahabad.
4. Superintendent of Post Offices, West Division, Varanasi.

..... Respondents

By Advocate: Shri R.D. Tiwari

**O R D E R**

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

Heard Shri V.K Srivastava, learned counsel for the applicant and Shri R.D. Tiwari learned counsel for the respondents.

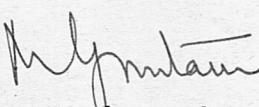
2. It has been contended by learned counsel for the applicant that appellate order dated 27.6.2003 is cryptic and non-speaking and the same has been passed without application of mind. Learned Counsel for the applicant would contend that in view of following decisions<sup>4</sup> of Hon'ble

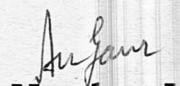
Supreme Court the order dated 27.6.2003 is liable to be quashed and set aside.

- (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.*

**3.** Having heard learned counsel for the parties, we are of the considered opinion that the order dated 27.6.2003 has been passed by Competent Authority in a most casual and perfunctory manner, without application of mind. The order dated 27.6.2003 (Annexure-A-6) is quashed and set aside and the matter is remitted back to the competent authority for reconsideration of the case of the applicant and pass appropriate reasoned and speaking order within a period of three months from the date of receipt of copy of this order.

**4.** With the above direction, the OA is partly allowed with no order as to costs.

  
Member - A

  
Member - J

Manish/-