

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

**HON'BLE MR. A.K. GAUR, MEMBER (J).
HON'BLE MR. S.N. SHUKLA, MEMBER (A).**

Original Application Number. 1663 OF 2005.

ALLAHABAD this the 13th day of May, 2009.

Gyasi Lal, aged about 48 years, S/o Sri Dundi Lal, serving as Postal Assistant under Senior Superintendent of Post Offices, R/o P.N.T Colony, quarter No. 2/26, District- Jhansi, U.P. .

.....Applicant.

VERSUS

1. Union of India through the Secretary (Posts), Department of Post, India, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Director, Postal Services, Agra Region, Agra, the Appellate Authority.
3. Senior Superintendent of Post Office, the Disciplinary Authority, Jhansi.
4. Daya Ram Shrimadi, Sub Post Master, Jhansi City Post Office, Jhansi.

.....Respondents

Advocate for the applicant: Sri A.D. Prakash
Sri A.K. Dave
Advocate for the Respondents : Sri S. Srivastava

ORDER

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

We have heard Sri A.K. Dave, learned counsel for the applicant and Sri S. Srivastava, learned counsel for the respondents.

2. Learned counsel for the applicant at the very outset invited our attention to the order dated 14/18.07.2005/Annexure A-2 of O.A and submitted that although the applicant preferred a detailed and

comprehensive appeal dated 11.03.2005/Annexure A-8 of O.A against the order dated 16.02.2005/Annexure A-1 of O.A but the pleas raised by the applicant in his Appeal have not at all been considered and the order dated 14/ 18.07.2005 passed by the Appellate Authority is wholly cryptic and non-speaking, therefore same deserves to be quashed. In support of his contentions, learned counsel for the applicant placed reliance on 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 Das - 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.

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

4. Having heard learned counsel for the parties, prima facie we find that the order dated 14/ 18.07.2005/Annexure A-2 of O.A passed by the Appellate Authority 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 decisions of Hon'ble Supreme Court (referred to above).

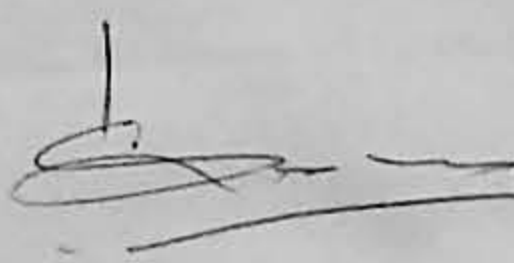
5. Accordingly we hereby set aside the order dated 14/ 18.07.2005/Annexure A-2 of O.A passed by the Appellate Authority. The matter is remitted back to the Appellate Authority with direction to consider and decide the appeal of the applicant dated 11.03.2005/Annexure A-8 of O.A afresh by a reasoned and speaking

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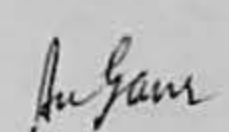
order meeting all the contentions raised by the applicant in his appeal, within a period of three months on receipt of certified copy of the order, in accordance with law and decision of Hon'ble Apex Court on the subject (as referred above) and communicate the decision to the applicant.

6. There will be no order as to costs.

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



MEMBER- A.



MEMBER- J.

/Anand/