

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

Original Application No. 289 of 2005

Monday, this the 27th day of July, 2009

Hon'ble Mr. Ashok S. Karamadi, Member (J)

Mohd. Pervez Khan Son of Late Firoz Khan, Resident of 68, Bara Baghara, Allahabad.

Applicant

By Advocate: Sri Rakesh Verma

Vs.

1. Union of India through Secretary, Ministry of Finance and Accounts, New Delhi.
2. Accountant General U.P. Allahabad 20, Sarojini Naidu Marg, Allahabad.
3. Accountant General (Lekha & Hakdari) Office of Accountant General U.P. Allahabad, 20, Sarojini Naidu Marg, Allahabad.
4. Dy. Accountant General (Administration) Office of Accountant General U.P. Allahabad, 20, Sarojini Naidu Marg, Allahabad.

Respondents

By Advocate: Sri Satish Chaturvedi

ORDER

By Hon'ble Mr. Ashok S. Karamadi, J.M.

This application is filed for quashing of the impugned order dated 07.01.2002 passed by the respondent No. 3, and to decide the representations dated 24.11.2003 and 07.09.2004.

2. Learned counsel for the applicant submits that the impugned order is not a speaking order, and further states that in view of the communication of the respondents dated 27.08.2003,



the respondents have not appointed the applicant nor they have decided the applicant's representation. This action of the respondents is illegal. The learned counsel for the respondents submits that the case of the applicant was considered by respondents' department in detail, and having come to the decision that the applicant is not entitled for appointment on compassionate grounds, and according his case was rejected, and subsequently, also the case of the applicant was reconsidered but due to large number of compassionate appointment cases and shortage of vacancies, the applicant could not be considered by the Departmental Selection Committee, and sought for the dismissal of the O.A.


3. I have heard the learned counsel for the applicant and the respondents, perused the pleadings and materials on record, at the outset the impugned order passed by the respondents dated 07.01.2002 is unsustainable in law as the same does not contain any brief facts of the case and the materials on which the decision is taken, that being so, the impugned order is not a speaking order, and is liable to be set aside. In view of the statement of the respondents in Counter Affidavit at para-13 with regard to the communication to the applicant dated 27.08.2003, it is stated that his case will be reconsidered by the next Departmental Selection Committee, as on today, there is no communication to the applicant regarding the decision taken by the respondents after 27.08.2003, and as such, it is just and proper to direct the respondents to communicate the speaking order, if any, already passed to the applicant, otherwise the respondents shall pass



appropriate speaking order in accordance with law, and communicate the same to the applicant on the representation submitted by him. Accordingly the followings orders are passed:

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O.A. is allowed, impugned order dated 07.01.2002 is quashed, and the respondent No. 3 or the competent authority in the respondents' department is directed to decide the representation and communicate the speaking order passed in accordance with law to the applicant within a period of two months from the date of receipt of a copy of this order. All the contentions of the parties are left open. No costs.


[Ashok S. Karamadi]
Member 'J'

/M.M/