

Open Court

**Central Administrative Tribunal  
Allahabad Bench, Allahabad**

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**Original Application No. 580 of 2005**

Tuesday, this the 12<sup>th</sup> day of January, 2010

**Hon'ble Mr. Ashok S. Karamadi, Member (J)**  
**Hon'ble Mr. D.C. Lakha, Member (A)**

1. Mohd. Maseeh, S/o Sri Raziuddin Siddiqui, R/o 156/B-A/17 Shams Nagar, Karela Bagh, G.T.B. Nagar, Allahabad.
2. Jamaluddin Khan, S/o Abdul Waheed Khan, R/o 407 D.E.F. Railway Traffic Colony, Nawab Yusuf Road, Allahabad.

**Applicants**

**By Advocate:** Sri Ashish Srivastava

Vs.

1. Union of India through General Manager, North Central Railways, Allahabad.
2. Divisional Railway Manager, Allahabad Division, Allahabad, North Central Railway, Allahabad.
3. Divisional Railway Manager (P) Allahabad Division, Allahabad, North Central Railway, Allahabad.

**Respondents**

**By Advocate:** Sri Avnish Tripathi

**ORDER**

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

In this O.A., applicants have challenged the order dated 28.07.2004, produced as annexure A-1 to the O.A. The said order was passed on the representation dated 22.03.2004 of the applicants, produced as annexure A-5. The grievance of the applicants, which they have stated in the aforesaid representation, is not adverted and considered by the respondents.

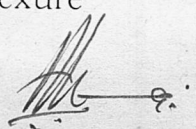


2. On notice, the respondents have filed the Counter Affidavit in detail and contended that the applicants have not entitled for the relief (s) and sought for dismissal of the O.A.

3. After hearing the learned counsel for the applicants and the respondents, later on when we noticed that the impugned order is not a speaking order, learned counsel for the respondents fairly conceded that the impugned order is not speaking order and seeks time to pass a well reasoned and speaking order within the stipulated period.

4. In view of the pleadings and materials on record, we are satisfied that the impugned order passed by the respondents is not the one which can be said to be speaking order passed after taking into account the grounds raised in the representation moved by the applicants. Speaking order is the order which can be passed after applying the mind by the concerned authority and taking into account all the grounds raised by the aggrieved person. The reason for the same is that the affected party can know why the decision has gone against him. Therefore, we thought it just and proper to direct the competent authority in the respondents' establishment to pass a reasoned and speaking order on the representation of the applicant.

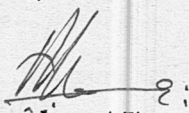
5. In view of the above, the impugned order dated 28.07.2004 is set aside. The competent authority, that may be respondent No. 3, who passed the earlier order, is directed to pass a reasoned and speaking order on taking into consideration the contentions taken by the applicants in the representation dated 22.03.2004 (annexure



A-5) and independently without adverting the contentions mentioned in the Counter Affidavit, within a period of two months from the date of receipt of a certified copy of this Order.

6. With the above directions, O.A. stands disposed of. No order as to costs.

  
**Member (A)**

  
**Member (J)**

/M.M/