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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.951 of 2005

Allahabad, this the 20th day of August, 2008

Hon'ble Mr. A.K. Gaur, Member-J

Narendar Kumar,
S/o late Shri Jhabrey Singh,
R/o Village Kauripura,
Post Office Dhampur,
District Bijnor.

...Applicant.

(By Advocate: Shri D.K. Sivastava

Versus

1. Union of India through Secretary, Ministry of Communication, Department of Post, Government of India, New Delhi.
2. Superintendent of Post Office, Bijnor Division, District Bijnor.
3. Chief Post Master General, Lucknow, Uttar Pradesh.

...Respondents.

(By Advocate : Shri S.Singh)

O R D E R

Learned counsel for the applicant at the very outset submitted that the competent authority while considering his case has not passed the reasoned and speaking order. It is submitted that Circle Relaxation Committee had considered the case of the applicant and all the contentions enumerated in the OM dated 3.12.1999 ^{were} ~~have~~ taken into account while rejecting the case of the applicant.

2. Learned counsel for the respondents contended that Circle Relaxation Committee had already passed the order. On the other hand, learned counsel for the applicant contended that no such order has been

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received by him. It is also settled principle of law that in view of Mohinder Singh Gill's case - AIR 1978 S.C. 857 the order is to be seen from the order itself and it cannot be supplemented by filing the counter affidavit or otherwise.

3. Having heard the parties counsel, I am firmly of the view that order passed by the competent authority is non speaking and unreasoned. In view of the decision rendered by Hon'ble Supreme Court in the case of Ram Chandra Vs. 'Union of India & ors.- AIR 1986 SC 1173, the order dated 23.5.2005 deserves to be set aside. I accordingly, quash the order dated 23.5.2005 and direct the respondents to reconsider the case of the applicant in accordance with rules within a period of three months from the date of receipt of copy of this order.

4. With the above directions, the OA is disposed of with no order as to costs.

Abu Jani
Member-J

RKM/