

11

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

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

Original Application Number. 1052 OF 2005.

ALLAHABAD this the 24th day of October, 2008.

S.K. Nirala, a/a 55 years, S/o Late Jelai Raim, R/o 130/571, Bakarganj, Azad Nagar, Kanpur, employed as Civilian Motor Driver in Ordnance Equipment Factory, Kanpur Nagar.

.....Applicant.

VER S U S

1. Union of India through the Secretary, Ministry of Defence, Department of Defence Production and supplies New Delhi- 11.
2. The Addl. Director General, Ord. Fys. Ordnance Equipment Factories Group H.Qrs, Ayudh Upaskar Bhawan, G.T. Road., Kanpur Nagar.
3. General Manager, Ordnance Equipment Factory, Kanpur.

.....Respondents

Advocate for the applicant: Sri R.K. Shukla
Advocate for the Respondents : Sri R.K. Tiwari

ORDER

The applicant, through this O.A has prayed for quashing the punishment order dated 30.12.2004 (Annexure A-I of O.A) and the Appellate Order dated 10.06.2005 (Annexure A-II of O.A) coupled with prayer for a direction in the nature of mandamus directing the respondents to refund back the total amount of Rs. 1808/- recovered from the petitioner's pay and allowance together with interest .

2. Having heard learned counsel for the parties, prima facie I find that the order dated 10.06.2005 passed by the Appellate Authority is not speaking as it has not been decided in accordance with the decision of Hon'ble Supreme Court in the case of Ram Chandra 1986 SCC (L&S) 383 as well as in accordance with rule 27(2) of CCS (CCA) Rules. Learned

h

12

counsel for the applicant has further contended that he has already filed an application that a detailed enquiry may be initiated in the matter.

3. Accordingly I hereby set aside the order dated 10.06.2005 (Annexure A-II of O.A) passed by the Appellate Authority. The applicant is directed to file a certified copy of this order alongwith complete copy of the O.A (with all annexures) and additional representation, if so advised, within two weeks from today before the concerned Appellate Authority and the said authority shall consider and decide the same afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his appeal dated 23.03.2005 as well as in additional representation, within a period of three months on receipt of certified copy of the order, as contemplated above, in accordance with law and relevant rules on the subject (as referred above) and communicate the decision by registered post to the applicant.

4. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

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


MEMBER- J.

/Anand/