

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 28th day of January 2009

Original Application No. 721 of 1999

Hon'ble Mr. A.K. Gaur, Member (J)

Hon'ble Mr. S.N. Shukla, Member (A)

Anmol Tewari, S/o Shri R.B. Tewari, R/o 61, Mohalla
Basudeo, Eira Bazar, Jhansi

. . . Applicant

By Adv : Sri V. Budhwar, Sri M.P. Gupta &
Sri S.K. Mishra

V E R S U S

1. The Union of India through the General Manager,
Central Railway, CST, Mumbai.
2. The Divisional Railway Manager, Central Railway,
Divisional Office, Jhansi.
3. D.C.M. (G), NC. Railway, Jhansi.
4. Sr. D.C.M./NC Railway, Jhansi.
5. ADRM/MC Railway, Jhansi.

. . . Respondents

By Adv: Sri Z. Moonis

O R D E R

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

We have heard Sri V. Budhwar, learned counsel for the
applicant and Sri Z. Moonis, learned counsel for the
respondents.

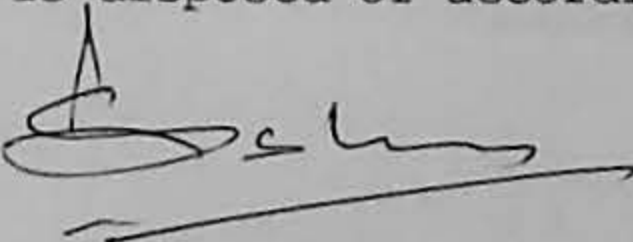
2. Learned counsel for the applicant has vehemently
argued that the order passed by the Appellate Authority is
cryptic and non-speaking.

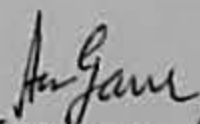
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3. Having heard parties counsel we are satisfied that the order passed by the Appellate Authority is wholly non-speaking and Cryptic and in view of decisions rendered by Hon'ble Supreme Court in *AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and others*, 2006 (11) SCC 147 : *Director IOC Vs. Santosh Kumar*, JT 1994 (1) SC 597 : *National Fertilizer Vs. P.K. Khanna* and 2006 SCC (L&S) 840 : *N.M. Arya Vs. United Insurance Co.* the order passed by the Appellate Authority is unreasoned, non speaking and cryptic.

4. Accordingly Appellate order dated 17.09.1996 (Annexure A-2 - page 14 to the OA) and Revisional Order dated 31.07.1997 (Annexure A-3 to the OA - page 16) are hereby quashed and set aside and the matter is remitted back for reconsideration to the Appellate Authority for reconsideration taking into account the memorandum of Revision and memorandum of appeal filed by the applicant. While deciding the Revision Petition the grounds taken in the OA and quantum of punishment shall also be taken into account. The Revision Petition of the applicant shall be disposed of by passing reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

5. The OA is disposed of accordingly. No cost.


Member (A)


Member (J)

/pc/