

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 27<sup>th</sup> day of July 2009

Original Application No. 751 of 1999

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

Ashutosh Misra, Son of Late S.B. Misra, resident of House No.86, Mohalla Chauhataha, Post Kannauj, District Kannauj.

... Applicant

By Adv : Sri M.K.Upadhyay

V E R ' S U S

1. Union of India through Member (P&U), Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi.
2. The Commissioner of Central Excise, Sarvodaya Nagar, Kanpur.
3. Additional Commissioner, Division I, Central Excise, Sarvodaya Nagar, Kanpur.
4. Assistant Collector, Divison I, Central Excise, Sarvodaya Nagar, Kanpur.

... Respondents

By Adv: Shri M.B. Singh

O R D E R

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

We have heard Sri M.K. Upadhyay, learned counsel for the applicant and Sri M.B. Singh, learned counsel for the respondents.

2. It has been contended by the learned counsel for the applicant that the Revisional order has been passed in a most casual and perfunctory manner and

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also without consideration of the various grounds taken in the memorandum of revision. The Revisional order has <sup>been</sup> passed without application of mind. Learned counsel for the applicant would contend that this is a case of no evidence and two witnesses named in the charge sheet have not at all been examined. Learned counsel for the applicant would further contend that the orders have been passed by the authorities concerned without considering the enquiry report. Learned counsel for the applicant has also contended that the punishment awarded to the applicant is not commensurate with the charges levelled against him.

3. Having heard the parties counsel at length, we are satisfied with the arguments advanced by the learned counsel for the applicant that Revisional order is cryptic, non speaking and the same has not been passed according to the following decisions rendered by Hon'ble Supreme Court reported in :-

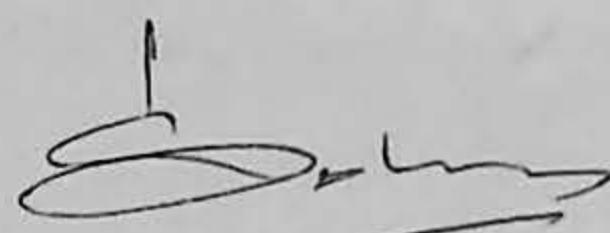
- (1) AIR 1986 SC 1173 : *Ram Chand Vs. U.O.I. and others.*
- (2) 2006 (11) SCC 147 : *Director IOC Vs. Santosh Kumar.*
- (3) JT 1994 (1) SC 597 : *National Fertilizer Vs. P.K. Khanna.*
- (4) 2006 SCC (L&S) 840 : *N.M. Arya Vs. United Insurance Co.*

4. Having given our thoughtful consideration to the pleas advanced by the parties counsel, we hereby

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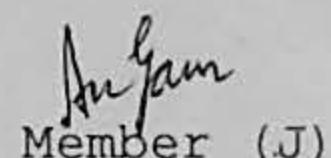
quash and set aside the Revisional order dated 25.1.1999 (Annexure-A-3) and remit the matter back to the Revisional Authority for reconsideration of the grievance of the applicant in accordance with the provisions of rule and pass appropriate reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. While deciding the revision petition of the applicant, Para 17 of the OA may also be taken into consideration.

5. In view of our above observation, the OA is disposed of. No cost.



Member (A)

/RKM/

  
Anjan

Member (J)