

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD**

Dated : This the 18<sup>th</sup> day of January 2010

**Original Application No. 1315 of 2000**

**Hon'ble Mr. Ashok S. Karamadi, Member (J)**

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

Surendra Nath Pandey, S/o late R.L. Pandey, presently posted as Senior Transportation Manager/Safety. In the office of Chief Operation Manager, N.E. Railway Gorakhpur.

... Applicant

By Adv : Sri V. Budhwar

**V E R S U S**

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. The General Manager/ General Manager (Admn), NE, Railways, Gorakhpur.
4. The Joint Director (Estt) GP Railway Board, New Delhi.
5. Member Traffic, Railway Board, New Delhi.
6. Sri Khalid Mansoor, Senior Commercial Manger (G) Office of Chief Commercial Manager, NE Railway, Gorakhpur.
7. Sri Durga Pd. Divisional Safety Officer, Office of Divisional Railway Manager, Sonapur Distt: Saran (Chhapra) Bihar.
8. Sri S.P. Singh, Area Manager (Lucknow Division), NE. Railways Gorakhpur.
9. Sri Kailash Prasad, Senior Transportation Manager (Construction) Office of Chief Administrative Officer/Construction NE Railways Gorakhpur.
10. Sri N.P. Singh, Presenting Officer, office of Chief Commercial Manager, NE Railway Gorakhpur.
11. Sri D.K. Asthana, Area Manager, NE Railways Goanda Junction, Gonda.



12. Sri J.P. Singh, Senior Transportation Manager / Construction / Survey office of the Chief Administrative Officer Construction, NE Railways, Gorakhpur.
13. Sri G.B. Tandon, Senior Transportation Manager / Construction, Office of D.R.M. NE Railways Hazratganj, Lucknow.
14. Sri A.N. Yadav, Statistical Officer Office of FA and CAO, NE Railways Gorakhpur.
15. Sri A.K. Srivastava, Secretary to Chief Operation Manager, NE Railways Gorakhpur.
16. Sri B.K. Singh, D.C.M., NE Railways Samastipur Distt: Samastipur, Bihar.
17. Sri S.P. Mishra, Senior Transportation Manager/eg Office of Chief Operation Manager, NE Railways Gorakhpur.

... Respondents

By Adv: Shri Lalji Sinha

### **ORDER**

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

Sri V. Budhwar learned counsel for the applicant and Sri Lalji Sinha learned counsel for the respondents.

2. In this OA the applicant has prayed for the following reliefs:-
  - "i. to quash the order dated 4/12<sup>th</sup> May 2000 (Annexure A1 to Comp 'I')
  - ii. to quash the order dated 8.10.1999 as served on the applicant on 16.11.1999 (Annexure A2 to Comp 'I')
  - iii. to quash First Deptt. Promotion Committee and subsequent Departmental Promotion Committee and selections which were conducted by the respondents on 13.X.97, 10.1.98, 12.8.99, 28.1.2000 & 13.10.2000.
  - iv. to issue a mandamus commanding the respondents to hold fresh Departmental Promotion Committee meeting and to consider the case of the applicant.
  - v. to issue a mandamus commanding the respondents to grant seniority and consequential benefits which will be accrued from the date he gets his regular promotion.
  - vi. to issue nay other order or direction as this Hon. Tribunal may deem fit and proper.
  - vii. to award costs thought out to the applicant."





3. The main grievance of the applicant is that the respondents have not considered the grievance of the applicant as prayed in the representations dated 08.10.1999, 18.11.1999, 04.02.2000 and 07.02.2000. Based on the contention of the applicant learned counsel states that the impugned order produced as Annexure 1 and 2 of the OA is not a speaking order and even otherwise the applicant is entitled for the relief claimed, having regard to the decision of the Hon'ble Supreme Court which he has relied upon in this OA. In spite of the reminders the contention of the applicant was not considered by the respondents based on the said judgments of Hon'ble Supreme Court and other decisions in similar matters.

4. On notice the respondents have filed counter affidavit. Even though detailed counter affidavit is on record, the respondents have neither denied the applicability of the decision relied upon by the applicant nor stated reasons in the counter affidavit for denying claim of the applicant on a stereotype ground that his case was considered by the DPC and he was not found suitable in comparison to other persons.

5. Having regard to the above submission of learned counsel for the parties and on perusal of the pleadings on record and contended by the learned counsel for the applicant during the arguments that the case of the applicant was not considered in the light of the decision relied upon by him in his representations before the authority as also on the facts of the case that the



applicant was promoted to Group 'A' post on adhoc basis; subsequently his juniors were given promotion as regular Group 'A' post, surprisingly the applicant by ignoring relevant rules and decision of Hon'ble Supreme Court and other decisions in favour of the applicant annexed with this OA.

6. Even though it contended by the respondents in the counter affidavit that the said decisions are not applicable to the applicant, the said statement of the respondents cannot be accepted in the absence of any specific reasons having been mentioned as to why the applicant is not covered by the benefit of the decision relied upon by him. In this back ground learned counsel for the respondents fairly conceded that he has no defence in support of the impugned order dated 4/12 May 2000 (Annexure A-I to the OA) with reference to applicant's representations dated 08.10.1999, 18.11.1999, 04.02.2000 and 07.02.2000 as also order dated 16.11.1999/08.10.1999 (Annexure A-II to the OA) as it suffers from lack of logic and reasons and does not even touch upon the contentions raised by the applicant. Later on learned counsel for the respondents suggested that this matter may be remanded to the concerned authority for considering the case of the applicant afresh.

7. In view of the submission made by the parties counsel and in view of the facts and circumstances of the case and perusal of the impugned order we find that it suffers from lack of logic, reason and specifics; it tantamounts to a cryptic and non speaking order. We, therefore, set aside the impugned orders

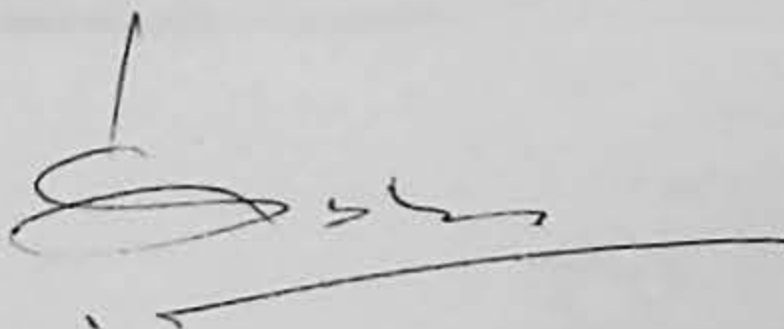





dated 04.05.2000 and 16.11.1999/8.10.1999 and grant liberty to the applicant to make a fresh comprehensive representation within a period of two weeks from today before the competent authority and thereafter the competent authority is directed to pass reasoned and speaking order, meeting all grievances raised by the applicant, and after meeting with all the legal pronouncement which may be sighted by him in his support, as per law within a period of two months from the date of receipt of said representation alongwith copy of this order taking into account the grounds taken in this OA.

8. Having regard to the fact that this is an old case of 2000 and the grievance of the applicant is pending since then for adjudication the competent authority should pass the orders on representation of the applicant positively within two months from the date of receipt of copy of this order.

9. With the above observations/direction the OA is allowed. No cost.



Member (A)



Member (J)

/pc/