

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

original Application No.1364 of 2002.

this the 31st day of January 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Smt. Ninki, w/o late Dukhanti, R/o Village Madrahwan, post
Pakarihwan, District Gorakhpur.

Applicant.

By Advocate : Sri A.K. Singh.

Versus.

1. Union of India through Secretary, Ministry of Railways
New Delhi.
2. The General Manager (Karmik), N.E.R., Gorakhpur.

Respondents.

By Advocate : Sri K.P. Singh.

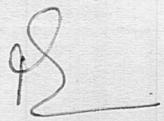
ORDER (ORAL)

By this O.A., the applicant has challenged the order dated 15.1.2002 and she has further sought a direction to the respondents to consider the appointment of the applicant under dying in harness Rules on class IV post.

2. The short submission made by the applicant's counsel is that her husband late Sri Dukhanti had died on 1.10.1997 in harness and she had given an application for compassionate appointment, but by the impugned order, the respondents have simply communicated to the applicant that they have not acceded to her request, but neither any reason has been assigned thereof, nor they have stated as to why her case has not been acceded to. Therefore, according to the applicant's counsel, this order is liable to be quashed being absolutely a non-speaking order and the applicant's case needs to be re-considered by the respondents.

3. I have seen the impugned order and heard both the counsel. The counsel for the respondents wanted some time to file reply, but I am of the opinion that no purpose would be served by calling the reply from the respondents. In these kind of cases, the Hon'ble Supreme Court has repeatedly held that when-ever a representation or appeal is filed by the individual before the authorities concerned, ^{that} ~~at least~~ ^{at least} ~~is~~ ^{is} required to pass a reasoned and speaking order, so that it may satisfy the person concerned without dragging them to court of law. In the instant case, it is seen that the order dated 15.1.2002 has been passed in a ~~stereo~~ type mechanical manner without giving any reason thereof as to why they have not acceded to the prayer made by the applicant, such an order is not sustainable in law. Accordingly, the impugned order dated 15.1.2002 is quashed and the matter remitted back to the authorities concerned with the direction to apply their mind to the application given by the applicant and to pass a reasoned and speaking order within a period of three months from the date of communication of this order, under intimation to the applicant.

4. With the above directions, the O.A. stands disposed off with no order as to costs.


MEMBER (J)

GIRISH/-