

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

(THIS THE 22<sup>ND</sup> DAY OF OCTOBER 2009)

PRESENT

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J**  
**HON'BLE MR. S. N. SHUKLA, MEMBER- A**

**ORIGINAL APPLICATION NO. 1373 OF 2005.**

(U/S 19, Administrative Tribunal Act, 1985)

Krishna Kumar Ojha, aged about 18 years, son of late R.N. Ojha, posted as Railway Commercial Clerk, in the office of Divisional Commercial Manager, E.C. Railway Mughalsarai, resident of Quarter NO. 1122/AB Gaya Colony, Mughalsarai, Chandauli.

1/1 Smt. Kanchan Ojha aged about 49 yrs, Widow of late Krishna Kumar Ojha.

1/2 Shruti Kumari aged about 23 yrs, D/o Late Krishna Kumar Ojha.

1/3 Shruchi Ojha a/a 20 yrs, d/o late Krishna Kumar Ojha

1/4 Abhijeet Kumar Ojha a/a 19 yrs, S/o late Krishna Kumar Ojha.

All are R/o Quarter No.1122/AB Gaya Colony, Mughalsarai, Chandauli.

.....Applicant

By Advocate: Shri Satish Dwivedi

Versus

1. Union of India through General Manager, Eastern Railway, Calcutta.
2. The Chief Commercial Manager, Eastern Railway, Calcutta.
3. The Additional Divisional Railway Manager, East Central Railway, Mughalsarai.
4. The Senior Divisional Commercial Manager, East Central Railway, Mughalsarai.
5. The Senior Divisional Personnel Officer, East Central Railway, Mughalsarai.

.....Respondents

By Advocate: Shri K.P Singh

**ORDER**

(Delivered by : Justice A.K. Yog, Member -Judicial)

Perused the pleadings on record and heard Shri K.P Singh, Standing Counsel representing the Respondents.

2. Applicant has claimed following relief (s):-

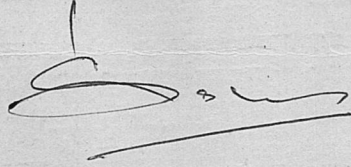
- “(1) to quash/set aside the orders dated 17.1.2003 (Annexure A-1) and the order dated 31.7.2003 (Annexure A-2 to compilation I)
- (2) To issue a mandamus commanding the respondents not to give effect to the impugned orders dated 17.1.2003 and 31.7.2003 (Annexure A-1 and A 2 to Comp. 1).
- (3) To issue a mandamus commanding the respondents to grant all consequently benefits to the applicant with interest of 24% per annum by ignoring the orders dated 17.1.2003 (Annexure A-1) and order dated 31.7.2003 (Annexure A-2 to Comp. I).
- (3a) That respondents be directed to correct the fixation of pay pension and other retiral benefits and pay to applicant arrears thereof with interest at the rate of 24% per annum till the date of actual payment thereof.
- (4) To issue any other order or direction as this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.
- (5) To award costs throughout to the Applicants”.

3. The applicant was admittedly an employee of the respondent Railways. He was subjected to disciplinary enquiry; punishment was awarded by the Disciplinary Authority, and said order was confirmed by the Appellate Authority by means of impugned appellate order dated 31.7.2003 (Annexure A-1 and A-2/Compilation I).

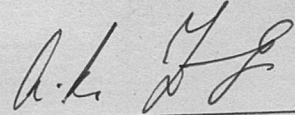
*Am*

4. We find that impugned appellate order dated 31.7.2003 (Annexure A-2/Compilation I) cannot be sustained, it is not a speaking order as it contains no reason. There is, apparently no application of mind. Consequently, impugned appellate order dated 31.7.2003 (Annexure A-2/Compilation I) cannot be sustained and accordingly set aside with direction to the Appellate Authority to decide the appeal afresh keeping in mind the observations made above in this order.

5. O.A. stands allowed subject to above directions. No costs.



Member (A)



Member (J)

Manish/-