

(Open Court)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 30th DAY OF JUNE 2009)

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

Original Application No. 1402 of 2003
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Neeru Devi aged about 34 years widow of late Bal Krishna, resident of 264 K.L.Lydganj, Allahabad.

..... **Applicant**

Versus

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The Secretary, Ministry of Defence, Govt. of India, South Block, Room No. 108, New Delhi.
3. The Joint Secretary, (Establishment/PG) & CVO, Ministry of Defence, 108 B South Block New Delhi.
4. The Director General of EME (CIV.II) MGO's Branch, Army Head Quarter, DHQ, Post Office, New Delhi 110011.
5. The Commander, Head Quarters, Base Workshop, GP, EME, Meerut Cantt. 250001.
6. The Commandant & Managing Director, 508 Army Base Workshop, Allahabad Fort, Allahabad. 211 005.

..... **Respondents**

By Advocate for the Applicants: Shri Satish Dwivedi

By Advocate for the Respondents: Shri R.K. Tiwari
Shri D.N. Mishra

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

I have heard Shri Satish Dwivedi learned counsel for the applicant and S.C. Mishra Senior Central Government Standing Counsel appearing for the respondents.

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2. Learned Counsel for the Respondents have raised Preliminary Objection that the O.A. is time barred.

2. Shri Satish Dwivedi, learned counsel for the applicant stated that the Competent Authority has already considered the case vide orders dated 22.12.2000, 11.10.2001 & 12.11.2001 (Annexure Nos. A-1, A-2 & A-3). He submitted that in view of the decisions rendered by Hon'ble Supreme Court, reported in 2008(5) Supreme 281, D.F.O. Vs. Madhusudan & 2005(7) SCC 597 National Fertilizer Vs. P. K. Khanna, the order dated 12.11.2001 is non-speaking and cryptic. The Competent Authority has merely observed that the case of the applicant was considered by Board of Officers by allotting points based on several attributes. But there is no mention of the marks allotted to the applicants on following attributes:-

- (a). Family Pension.
- (b). Terminal benefits.
- (c). Family Size.
- (d). Liberty of terms of unmarried daughters.
- (e). Presence of earning members.
- (f). Income from movable/immovable property.

3. Having heard counsel for the parties. The Preliminary objection raised by the applicant is quite sustainable in law. I am firmly of the view that the order dated 12.11.2001 (Annexure A-3) has been passed in a most casual and perfunctory manner, Accordingly order dated 12.11.2001, (Annexure-3) is quashed and set aside and the matter is remitted back to the competent authority for reconsideration of the case

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of the applicant for passing appropriate reasoned and speaking order indicating the marks allotted to the applicant on several attributes within a period of three months from the date of receipt of copy of this order.

4. With the above direction, the OA is disposed of with no order as to costs.


Member-J

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