

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1427 of 2003

Thursday, this the 20th day of November 2008

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

Km. Asha Maurya, d/o Late Indra Dev, r/o Nirala Nagar, Garwar Road, District Balia.

Applicant

By Advocate: Sri M.D. Mishra

Vs.

1. Union of India through Secretary, Department of Post, Government of India, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Ballia Division, Distt. Balia.

Respondents

By Advocate: Sri S.C. Mishra

O R D E R

By Ashok S. Karamadi, J.M.

This O.A. is filed for quashing of the Order dated 27.08.2002, the same, which was produced as annexure-1, does not bear the date but learned counsel for the applicant stated that in the counter affidavit it is stated that the respondents have passed the Order dated 27.08.2002. Learned counsel for the applicant further states that the impugned order passed by the respondents does not contain any details regarding the facts of the case. Learned counsel for the respondents states that in the counter affidavit, reasons are given for non consideration of claim of the applicant.

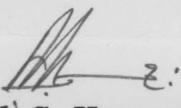
2. On perusal of the impugned order, which is produced as annexure A-1 and also the grounds taken in the O.A. and statement made in the counter affidavit, it is clear that the authority which has passed the impugned order has not adverted to the facts of the case *without* ~~or not~~ applying his mind while passing the order dated 27.08.2002.

In the absence of any material fact, the Order dated 27.08.2002



cannot be sustained in the eye of law. Accordingly, the Order dated 27.08.2002 is set aside and the matter is remanded back to the concerned respondents authority to pass appropriate and speaking order in accordance with law within a period of two months from the date of receipt of a certified copy of this order.

3. With the above directions, O.A. stands disposed of. No order as to costs.



{Ashok S. Karamadi}
Member 'J'

/M.M./