

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 9th DAY OF APRIL, 2010)

PRESENT:

HON'BLE MR. A. K. GAUR, MEMBER (I)
HON'BLE MR. D. C. LAKHA, MEMBER (A)

ORIGINAL APPLICATION NO. 1611 OF 2003

(Under Section 19, Administrative Tribunal Act, 1985)

Soney Singh Sengar, S/o Late Sri Mangali Singh Sengar, R/o House
No. G-1/54, Armapur Estate, Kanpur Nagar.

.....Applicant.

By Advocate:- Shri S. R. Verma

Versus

1. Union of India through its secretary Ministry of Defence, South Block, New Delhi.
2. Senior General Manager Ordnance Factory Kanpur.
3. Joint General Manager/Administration for Senior General Manager, Ordnance Factory, Kanpur.

.....Respondents

By Advocate:- Shri S. K. Anwar

ORDER

(DELIVERED BY: HON'BLE MR. A. K. GAUR, MEMBER-A)

We have heard Sri S. R. Verma, learned counsel for the applicant and Sri S. K. Anwar, learned counsel for the respondents.

2. Learned counsel for the applicant at the very out set stated that the order dated 31.01.2003 has been passed in a most casual and perfunctory manner and without application of mind, the competent

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Authority has not at all been recorded any reasons for passing its order in question.

3. Learned counsel for the Respondents invited our attention to paragraph No. 6 to 8 of the Counter Reply and it is seen from the Counter Reply wherein, it is stated that after completion of 05 years when the operating period of penalty was over, the applicant was again considered for promotion and a report regarding his work and conduct from the M.T. section where he was working. After receiving the satisfactory report the applicant was promoted to post of Labour Semi Skilled. The respondents have also considered the request of the applicant to grant up gradation w.e.f. 23.02.2002.

4. The grievance of the applicant is that infact he was entitled to get upgradation w.e.f. 22nd June, 2002 but, he has been granted upgradation w.e.f. 30.04.2003. It is also contended by the learned counsel for the applicant that the applicant was worked on higher post in view of the order dated 15.01.1999 and 14.02.2002 but higher salary has not been paid to him and the representation of the applicant has also not been considered in accordance with the following decisions of Hon'ble Supreme Court:-

- (1). *AIR 1986 SC 1173: Ram Chand Vs. U.O.I. and Other,*
- (2). *2006 (11) SCC 147: Director IOC Vs. Santosh Kumar,*
- (3). *2005 (7) SCC 597: National Fertilizer Vs. P.K. Khanna,*

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(4). 2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance

Company,

(5). 2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao,

(6). 2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh,

(7). JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani

Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors.,

In the aforesaid decisions it has been held that while deciding the representation or appeal or revision by the competent authority, speaking order should be passed.

5. Accordingly, we hereby quash the order dated 30.01.2003 and remit the matter back to the Competent Authority with direction to consider the grievance of the applicant in the light of the submissions contained in the O.A. and decide the same afresh by a reasoned and speaking order within a period of four months from the date of receipt of copy of this order.

6. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.



MEMBER- A.



MEMBER- J.

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