

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.346 OF 2003

ALLAHABAD THIS THE 17th DAY OF NOVEMBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

N.C. Tripathi,
Son of Shri Krishna Lal Tiwari,
R/o 116/150, Rawatpur Gaon,
Kanpur Nagar.

.....Applicants

By Advocate : Shri R. K. Shukla

Versus

1. Union of India through the Secretary,
Ministry of Defence,
Department of Defence Production,
Govt. of India, New Delhi-11.
2. The Addl. DGOF.,
Ordnance Equipment Fys Group HQrs.,
'Ayudh Upaskar Bhawan', GT Road,
Kanpur.
3. The General Manager,
Ordnance Equipment Factory,
Kanpur.

..... Respondents

By Advocate : Shri S. C. Mishra

ORDER

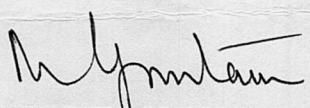
DELIVERED BY JUSTICE A. K. YOG, MEMBER-J

1. Heard learned counsel for the parties and perused the pleadings on record.
2. This Original Application has been filed under section 19 of Administrative Tribunals Act 1985 as amended upto date, that the reliefs is quashed by the impugned Punishment order dated 09.10.2002 (annexure *AB*)

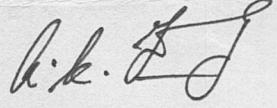
A-1) and the order passed in Departmental Appeal dated 19.02.2003 (Annexure A-2).

2. Perusal of impugned Appellate order dated 19.02.2003 (Annexure A-2) does not indicate applicability of mind and expression used shows that it is a stereotype order. Even though the order of confirmation as Apex Court has held should contain some reasons (may be summarily) to indicate otherwise actual application of mind. The impugned Appellate order lacks in this respect and hence cannot be sustained. It is accordingly liable to be set aside. The case is remitted back to the Appellate Authority to decide the mastoid afresh within four weeks.

3. OA is allowed partly to the extent indicated above. No Costs.


(MANJULIKA GAUTAM)
Member-A

/ns/


(JUSTICE A.K. YOG)
Member-J