

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

Original Application No. 999 of 2003

Thursday, this the 25th day of February, 2010

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

Abhay Kumar Gupta Son of Sri K.D. Gupta, aged about 39 years, Ex FGM (SK) c/o M/s. Ravi General Stores, Sadar Bazar, Daboh, Distt. Bhind, (M.P.).

Applicant

By Advocates: Sri S.K. Vidyarthi
Sri S.K. Gupta.

Vs.

1. The Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. The Chief Engineer (AF), Allahabad.
3. The Chief Engineer, Headquarters, Central Command, Lucknow.
4. The Commander Works Engineer (AF), Maharajpur, Gwalior, M.P.

Respondents

By Advocate: Sri Himanshu Singh

ORDER

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

We have heard Sri S.K. Vidyarthi, learned counsel for the applicant and Sri Himanshu Singh, learned counsel for the respondents, and perused the pleadings on record.

2. Perusal of the Revisional order, challenged by the applicant, indicates that the grounds taken in the Memo of Revision have not been properly considered and the Revisional Authority has not
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properly decided the Revision. It is also revealed that both the orders i.e. the orders of Appellate Authority as well as the Revisional Authority were passed in perfunctory and casual manner, and in violation of following case law of the Hon'ble Supreme Court: -

"1. Ram Chandra vs. Union of India and others 1986 SCC L&S 383;

2. N.M. Arya vs. United India Insurance Co. 2006 SCC L&S 840;

3. D.F.O. vs. Madhusudan Rao 2008 Vol. 1 Supreme Today pg. 617;

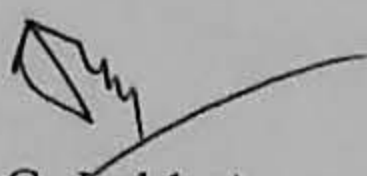
4. Director I.O.C. vs. Santosh Kumar 2006 Vol. 11 SCC page 147.

In all the aforesaid pronouncements, it has been held by the Hon'ble Apex Court that while deciding the appeal/revision by the competent Appellate as well as Revisional Authority, speaking order should be passed.

4. Having heard the parties counsel, we are of the view that both the aforesaid orders are cryptic, non-speaking and have been passed without considering the grounds taken by the applicant in the Appeal as well as in the Revision. Accordingly, we hereby set aside the impugned order dated 10.02.2001 (annexure A-2) and 19.07.2002, received by the applicant on 18.09.2002 (Annexure A-3 & 4 respectively) and remand the matter back to the competent authority in the respondents' establishment to decide the Appeal/Revision by a speaking order, according to law, taking all the grounds taken in the Appeal/Revision within a period of three months from the date of receipt of a certified copy of this order. With the consent of counsel for the parties, it is further provided that the competent Appellate/Revisional Authority shall grant personal hearing to the applicant. The decision taken shall be communicated to the applicant forthwith.

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5. With the above direction to the respondents, the O.A. stands partly allowed. No order as to costs.


(D.C. Lakha)
Member (A)


(A.K. Gaur)
Member (J)

/M.M/