

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 7th DAY OF December, 2009)

PRESENT:

HON'BLE MR. A. K. GAUR, MEMBER (J)
Hon'ble MR. S. N. SHUKLA, MEMBER (A)

ORIGINAL APPLICATION NO. 1034 OF 2006
(Under Section 19, Administrative Tribunal Act, 1985)

Dilip Kumar Srivastava aged 32 years, s/o Sri G. P. Srivastav, R/o Railway Quarter No. 602 M, Loco Colony, Allahabad.

.....Applicant.

By Advocates:- Shri M. K. Upadhyay

Versus

1. Union of India Through General Manager, North-Central Railway, Allahabad.
2. The General Manager, North Central Railway, Allahabad
3. The Divisional Railway Manager, North Central Rly, Allahabad.
4. The Deputy Director/Public Grievances, Railway Board, New Delhi.

.....Respondents

By Advocate- Shri J. P. Tripathi

O R D E R

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

We have heard Sri M. K. Upadhyaya learned counsel for the applicant and Sri J. P. Tripathi learned counsel for the Respondents.

2. Learned counsel for the applicant would contend that the Competent Authority has not at all taken into account the points raised in representation in accordance with provisions of rules.

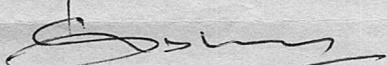
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4. Learned counsel for the Respondents stated that he has already stated in para 14 of the Counter Reply the reasons as to why his representation could not be considered.

5. Having heard learned counsel for the parties we are satisfied that the order dated 25.01.2006 is not speaking and has been passed without application of mind and not in accordance with the dictum of Hon'ble Supreme Court in the case of:- **JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors. AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and Other, 2006 (11) SCC 147 : Director IOC Vs. Santosh Kumar, JT 1994 (1) SC 597 : National Fertilizer Vs. P.K. Khanna and 2006 SCC (L&S) 840 : N.M. Arya Vs. United Insurance Co. and 2008 (1) Supreme today, 617 : DFO Vs. Madhusudan Rao** wherein it has been held that while deciding the representation or appeal or revision by the competent authority, speaking order should be passed.

6. We accordingly quash and set aside the order dated 25.01.2006 and remit the matter back to the Competent Authority for reconsideration and decide the representation of the applicant in accordance with provisions of rule by passing a reasoned and speaking order taking into account the grievance of the applicant, within a period of three months on receipt of certified copy of the order.

7. The O.A. stands partly allowed. Subject to above directions.



Member-A

/Dev/



Member-J