

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

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

Original Application Number. 1183 OF 2006.

ALLAHABAD this the 05th day of November, 2009.

Mangal, Son of Hira Lal, resident of Village Jait, Post Office- Jait,
District- Mathura

.....Applicant.

VERSUS

1. Union of India through General Manager, North Central Railway, at Allahabad.
2. Mandal Rail Prabandhak, North Central Railway (Karya), Jhansi.
3. Mandal Engineer, North Central Railway, Dhaulpur.

.....Respondents

Advocate for the applicant: Sri V.P.S. Kushwaha
Advocate for the Respondents: Sri U.S. Mishra

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

Learned counsel for the applicant at the very out set invited our attention to the order dated 20.09.2004/Annexure A-3 of O.A passed by the Appellate Authority and submitted that although several points have been raised by the applicant in his Appeal but the Appellate Authority while deciding the appeal has not taken into account the same and passed order in a most casual and perfunctory manner. Learned counsel for the applicant has also invited our attention to the Memo of Appeal dated 07.08.2004/Annexure-2 of O.A.

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2. Having heard learned counsel for the parties, prima facie we find that the order dated 20.09.2004/Annexure A-3 of O.A passed by the Appellate Authority is non-speaking and it has been passed without application of mind as the Appellate Authority has not decided the Appeal of the applicant in accordance with the decision of Hon'ble Supreme Court rendered in the following cases : -

- a) **Chairman/Disciplinary Authority, Rani Laxmi Bai Gramin Vs. Jagdish Varshney (JT 2009 Vol 4 SC 519),**
- b) **N.M. Arya Vs. United India Insurance Company (2006 SCC (L&S) 840),**
- c) **D.F.O Vs. Madhusudan Das (2008 Vol I Supreme Today page 617),**
- d) **Director, I.O.C Vs. Santosh Kumar (2006 Voll. 11 SCC page 147)**
- e) **State of Uttaranchal Vs. Karag Singh (2008 Vol 8 SCC page 236)**

In the judgments referred to above, it has clearly been held by the Hon'ble Apex Court that while deciding the representation/appeal/revision by the competent authority, speaking order should be passed.

3. Accordingly, without entering into order of punishment, we hereby set aside the order dated 20.09.2004/Annexure A-3 of O.A passed by the Appellate Authority and remit the matter back to decide the Appeal of the applicant afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his appeal including Appeal dated 07.08.2004/Annexue-2 of O.A within a period of three months on receipt

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of certified copy of the order in accordance with law and relevant rules on the subject (as referred above) and communicate the decision to the applicant forthwith.

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

Be it noted that we have not passed any order on merits of the case.


MEMBER- A.


MEMBER- J.

/Anand/