

(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. 1247 OF 2006.

ALLAHABAD this the 1st day of *September, 2009.*

Ali Aala Rizvi, son of Sri Syed Mohd. Rizvi, Ex T. No. 134, M.S. Per. No. 101931, OEF, Kanpur, at present resident of house No. 17/149, Kursawan, The Mall, Kanpur Nagar.

.....Applicant.

VE R S U S

1. Union of India through its Secretary, Ministry of Defence, New Delhi .
2. Ordnance Equipment Factories, G.P, Head Quarters, G.T. Road, Kanpur, through Addl. Director General, Ordnance Factories.
3. Ordnance Equipment Factory, Kanpur through its General Manager.
4. Work Manager/Administration, Ordnance Equipment Factories, Kanpur.

.....Respondents

Advocate for the applicant: Sri V.P. Srivastava
Advocate for the Respondents : R.K. Srivastava

O R D E R

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

Having heard learned counsel for the parties, *prima facie* we find that the order dated 14.08.2006/Annexure-1 of O.A passed by the Appellate Authority/respondent No. 2 is not speaking and has been passed in a most casual and perfunctory manner as it has not been decided in accordance with the decision of Hon'ble Supreme Court rendered in the case of **Chairman Disciplinary Authority, Rani Laxmi Bai Gramin Bank Vs. Jagdish Varshney (JT 2009 Vol 4 SC 519), N.M.**

**Arya Vs. United India Insurance Company (2006 SCC (L&S) 840),
D.F.O Vs. Madhusudan Das (2008 Vol I Supreme Today page 617),
Director, I.O.C Vs. Santosh Kumar (2006 Vol. 11 SCC page 147) and
State of Uttaranchal Vs. Karag Singh (2008 Vol 8 SCC page 236)** in
which it has been held by the Hon'ble Apex Court that while deciding the
representation/appeal by the competent authority, speaking order
should be passed.

2. Accordingly we hereby set aside the order dated 14.08.2006 (Annexure A-1 of O.A) passed by the Addl. Director General, Ordnance Factories, Kanpur/ Appellate Authority. The applicant is directed to file a certified copy of this order alongwith additional appeal, if so advised, within two weeks from the date of receipt of certified copy of this order before the concerned Appellate Authority and the said authority shall consider and decide the same afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his earlier Appeal dated 17.06.2006 as well as in additional appeal, within a period of three months on receipt of certified copy of the order, as contemplated above, in accordance with law and relevant rules on the subject (as referred above) and communicate the decision to the applicant forthwith.

3. 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/