

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH:
ALLAHABAD

(THIS THE 8th DAY OF MARCH 2010)

PRESENT

HON'BLE MR. A. K GAUR, MEMBER (J)
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

ORIGINAL APPLICATION No. 153 OF 2006.
(Under Section 19, Administrative Tribunal Act, 1985)

M.K. Dixit, son of late Janardan Prasad Dixit, R/o Q. No. G/T- II 449, Armapore Estate, Kalpi Road, Kanpur Nagar.
.....Applicant.

By Advocate: Shri R.K. Shukla

Versus

1. Union of India through the Secretary, Ministry of Defence, Deptt. of Defence Production & Supplies, Govt. of India, New Delhi - II.
2. The Secretary, Ordnance Factory Board, 10-A, Shaheed Khudiram Bose Road, Kolkata - 700 001.
3. The General Manager, Field Gun Factory, Kalpi Road, Kanpur Road, Kanpur Nagar - 208 009.

..... Respondents

By Advocate: Shri S. Srivastava

O R D E R

By HON'BLE MR. A. K GAUR, MEMBER (J)

We have heard Shri R.K. Shukla, learned counsel for the applicant and Shri Dharmendra Tiwari holding brief of Shri S. Srivastava learned counsel for the respondents.

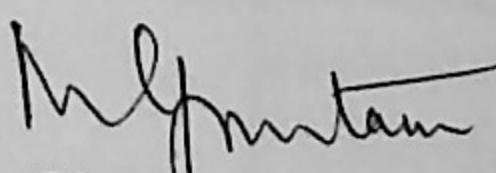
2. We have carefully seen the appellate order, in our considered view the Appellate Authority has decided the appeal of the applicant in a most casual and perfunctory manner as it has not been decided in accordance with the

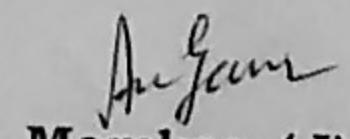
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decision of Hon'ble Supreme Court rendered in the case **AIR 1986 SC 1173: Ram Chand Vs. U.O.I. and Other, 2006 (11) SCC 147: Director IOC Vs. Santosh Kumar, 2005 (7) SCC 597: National Fertilizer Vs. P.K. Khanna, 2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance Company, 2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao, 2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh) JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors** in which it has been held by the Hon'ble Apex Court that while deciding the appeal by the Appellate Authority, speaking order should be passed.

3. Accordingly we hereby set aside the order dated 21.12.2005 (Annexure -III of O.A) passed by the Appellate Authority and remit the matter back to the Competent Authority for reconsideration of entire case of the applicant in accordance with provisions of rules and pass reasoned and speaking order within a period of three months on receipt of certified copy of the order.

4. With the aforesaid directions, the O.A is partly allowed with no order as to costs.


Member (A)


Member- (J)

Manish/-