

**OPEN COURT**

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD.**

Dated : This the **06<sup>th</sup>** day of **May** 2009

**Original Application No. 199 of 2006**

**Hon'ble Mr. A.K. Gaur, Member (J)**  
**Hon'ble Mr. S.N. Shukla, Member (A)**

Chhotaken Ram, S/o Sheo Nandan Ram, Retired Commercial Superintendent Ballia.

...Applicant

By Adv : Sri B.K. Narain, Sri A.P. Tiwar, Sri R.K. Ojha & Sri R. Kumar

**VERSUS**

1. Union of India through General Manager, N.E. Railway (East), Gorakhpur.
2. General Manager (Commercial), North Eastern Railway, Gorakhpur.
3. Additional Divisional Railway Manager, Varanasi.
4. Senior Divisional Commercial Manager, North Eastern Railway, Varanasi.

...Respondents

By Adv: Shri Anil Kumar

**ORDER**

**By Hon'ble Mr. A.K. Gaur, Member-J**

Sri A.P. Tiwar and Sri R.K. Ojha learned counsel for the applicant and Sri Anil Kumar learned counsel for the respondents.

2. At the very out set learned counsel for the applicant invited our attention to the order dated 23.02.2005 passed by the Revisional Authority (Annexure 3). Learned counsel for the applicant would further contend that the order passed by the

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Revisional Authority is cryptic, non-speaking and without application of mind. He submitted that in view of the number of decisions rendered by the Hon'ble Supreme Court the order deserved to be quashed and set aside.

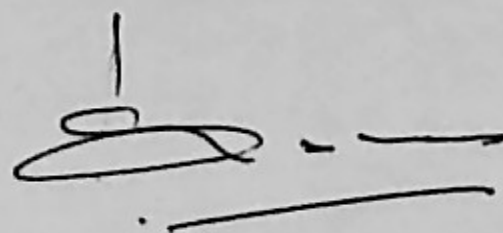
3. In support of his contention he has placed reliance on the following decisions:

- a. **AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and others**
- b. **2006 (11) SCC 147 : Director IOC Vs. Santosh Kumar**
- c. **JT 1994 (1) SC 597 : National Fertilizer Vs. P.K. Khanna**
- d. **2006 SCC (L&S) 840 : N.M. Arya Vs. United Insurance Co.**

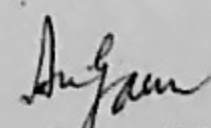
4. Having heard parties counsel we are firmly of the view that the order passed by the Revisional Authority is cryptic, non-speaking and without application of mind and deserved to be quashed and set aside.

5. Accordingly, we quash and set aside the Revisional order dated 23.02.2005 and the case is remanded back to the Revisional Authority afresh for deciding the same <sup>and for reconsideration</sup> taking into account the memorandum of revision and also according to the aforesaid decisions of Hon'ble Supreme Court within a period of three months from the date of receipt of a copy of this order.

6. With the above direction the OA is disposed of. No cost.



Member (A)



Member (J)

/pc/