

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 6th DAY OF APRIL 2010)

PRESENT:

HON'BLE MR. S.N. SHUKLA, MEMBER-A

ORIGINAL APPLICATION NO.637 OF 2006
(U/s, 19 Administrative Tribunal Act.1985)

Hari Ram Pal, S/o Late Sri Sukh Ram,
R/o Village & Post Muraini, (Pure Pandey)
District-Pratapgarh.

.....Applicant

By Advocate: Shri Atul Kumar

Versus

1. Union of India, Through its Defence Secretary, Ministry of Defence, Department of Def Prod and Supplies/DGQA DHQ PO, New Delhi.
2. The Controller, Controllarate of Quality, Assurance (GS) Post Box No.127, Kanpur.

..... Respondents

By Advocate: Shri R.D. Tiwari

ORDER

1. Heard Shri Atul Kumar learned counsel for the applicant and Shri P.K. Chatterji holding brief of Sri R.D. Tiwari, learned counsel for the respondents.
2. The applicant was first given compassionate appointment under respondent no.2 (Annexure-5) vide order dated 23.12.1998 in the office of the Controller, Controllarate of Quality Assurance (GS), Post Box No.127, Kanpur-208 004. Thereafter for no reason apparent on the face of record his appointment was cancelled vide order dated 19.05.1999 (Annexure A-8). Thereafter it seems that some information was called for from Smt. Babna Devi (mother of

the applicant relating to her other sons, one in the Indian Airforce and details of employment/profession/vocation of her second son (Annexure-9). Relevant information is claimed to have been submitted to the authorities vide letter dated 04.8.1999 (Annexure A-11). Thereafter some more information was called from the applicant and finally the impugned order dated 15.5.2000 was passed as follows: -

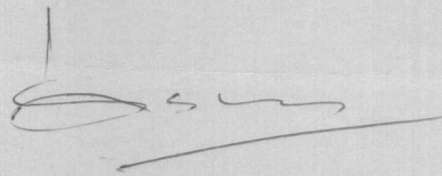
आपके पुत्र हरीराम पाल का अनुकम्पा के आधार पर नियुक्ति हेतु प्रार्थना पत्र विचार करने हेतु इस कार्यालय के द्वारा मुख्यालय भेजा गया था, परन्तु आपके प्रार्थना पत्र पर विचार करने के उपरान्त मुख्यालय में आपका केस अस्वीकृत कर दिया है।

3. It is urged by the learned counsel for the applicant that not only the applicant's appointment has been rejected without assigning any reason, his case for appointment after taking the steps as required by authorities has also been rejected by the respondents without assigning any reason whatsoever. The impugned order is claimed to be not only cryptic but arbitrary and without application of mind.
4. Learned counsel for the respondents relies on the counter affidavit and fairly conceded that the defence of the impugned order taken in the counter affidavit is matter of record. Further, the reasons should have been stated in the impugned order itself so as to enable the applicant an opportunity to contest the accuracy as well as validity of the same.
5. Having heard the learned counsel for the parties and after pursuing the pleadings, this Tribunal is firmly of the view that the impugned order dated 15.05.2000 is cryptic, arbitrary and does

not assign any reason for rejecting the applicant's case for whatever be the reason.

6. In that view of the above, the impugned order is set aside and remitted back to the authorities with direction to pass a fresh reasoned and speaking order as per law within a period of three months of receipt of certified copy of this order.

7. With the above observations, OA stands finally disposed of.
No Costs.



Member-A

/ns/