

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

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

Original Application Number. 47 OF 2006.

ALLAHABAD this the 26th day of **February, 2009.**

Mangat Ram, Son of Sri Bhagwat Ram, resident of Village- Ismilpur, Post Office - Dhansiri via Nazibabad, Distt. Bijnor.

.....Applicant.

VERSUS

1. Union of India through its Secretary, Department of Post, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Bareilly Region, Bareilly.
3. Superintendent of Post Offices, Bijnor Division, Bijnor.
4. Sri R.K. Mittal (retired) S.S.P.Os. Enquiry Officer at Adarsh Colony, Muzzafarnagar.

.....Respondents

Advocate for the applicant: Sri Avnish Tripathi
Advocate for the Respondents : Sri S.C. Mishra

ORDER

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

We have heard Sri A. Tripathi, learned counsel for the applicant and Sri S.C. Mishra, learned counsel for the respondents.

2. Learned counsel for the applicant invited our attention to the order dated 02.01.2006/Annexure- A-1 of O.A and submitted that none of the grounds taken by the applicant in his representation have been considered and the order dated 02.01.2006 passed by the Post Master General, Bareilly Region is wholly cryptic, non-speaking and without jurisdiction, therefore same deserves to be quashed.

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3. On the other hand learned counsel for the respondents submitted that the decision on the representation with regard to re-enquiry taken by the P.M.G, Bareilly Region is fully justified and has rightly been communicated to the applicant .

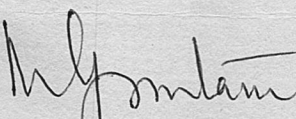
4. Having heard learned counsel for the parties, we find that the order dated 02.01.2006/Annexure- A-1 of O.A is not an order passed by the Post Master General. It is a letter communicating the decision taken by the P.M.G, Bareilly Region on the representation dated 06.12.2005 filed by applicant with regard to re-enquiry. This letter contains that "the Postmaster General, Bareilly Region has considered the representation of official and find the representation baseless, without cogent reason hence rejected". If the representation of the applicant has been rejected by the P.M.G in same manner, no doubt, it is wholly cryptic, non-speaking and without application of mind and have been passed in a most casual and perfunctory manner as it has not been passed in accordance with the decision of Hon'ble Supreme Court in the case of **Ram Chandra - 1986 SCC (L&S) 383 , N.M. Arya Vs. United India Insurance Company - 2006 SCC (L&S) 840, and DFO Vs. Madhusudan Das - 2008 Vol. I Supreme Today page 617**, wherein it has been held that while deciding the representation or appeal or revision by the competent authority, speaking order should be passed.

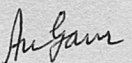
5. Accordingly we hereby set aside the order, as communicated vide para 2 of Letter dated 02.01.2006/Annexure A-1 of O.A, passed by the P.M.G, Bareilly Region on the representation dated 06.12.2005 . The matter is remitted back to the competent authority with direction to the

applicant to file a certified copy of this order alongwith additional representation, if so advised, within two weeks from the date of receipt of certified copy of this order before the concerned competent 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 representation dated 26.09.2005 and 06.12.2005 as well as in additional representation, 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.

6. 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/