

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

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

Original Application Number. 968 OF 2007.

ALLAHABAD this the 19th day of **February, 2009.**

Smt. Malini Devi, widow of Saukhi Lal, Resident of Village Pure Sanjhia,
P.O. Charwa, District- Kaushambi.

.....Applicant.

VERSUS

1. Union of India through General Manager, North Central Railway,
Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
.....Respondents

Advocate for the applicant: Sri A.N. Pandey
Advocate for the Respondents : Sri S.S. Agnihotri

ORDER

Learned counsel for the applicant at the very out set submitted that the order dated 08.04.1999 passed by the Revisional Authority is wholly cryptic, non-speaking and same deserves to be quashed.

2. On the other hand learned counsel for the respondents has submitted that the order passed by the competent authority is a self contend order.

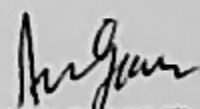
3. Having heard learned counsel for the parties, prima facie I find that the order dated 08.04.1999 passed by the Revisional Authority is not speaking and has been passed in a most casual and perfunctory manner as it has not been decided in accordance with the decision of Hon'ble Supreme Court in the 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.

4. Accordingly I hereby set aside the order dated 08.04.1999(Annexure A-2 of O.A) passed by the Revisional Authority. The applicant is directed to file a certified copy of this order alongwith complete copy of the O.A (with all annexures) and additional representation/Revision appeal, if so advised, within two weeks from the date of receipt of certified copy of this order before the concerned 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 her earlier Revision appeal as well as in additional representation/Revision 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. As an interim measure, it is also directed that till disposal of the appeal, no recovery shall be made from the applicant.

5. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be noted that I have not passed any order on merits of the case.


MEMBER- J.

/Anand/