

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

**HON'BLE MR.A.K. GAUR , MEMBER (J).
HON'BLE MR. D. C. LAKHA, MEMBER (A)**

Original Application Number. 970 OF 2007.

ALLAHABAD this the 23rd day of July, 2009.

Man Mohan Krishna Johri, aged about 55 years, S/o Late Sri Maharaj Prasad Johri, r/o 32-B, Road No. 6, Officer's Colony, Izatnagar, Bareilly.
.....Applicant.

VERSUS

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. North Eastern Railway through General Manager (NER), Gorakhpur.
3. Chief Medical Superintendent, North Eastern Railway, Izatnagar, Bareilly.
4. Chief Medical Director, North Eastern Railways, Gorakhpur.

.....Respondents

Advocate for the applicant: Sri V. Narain
Advocate for the Respondents : Sri P.N. Rai

ORDER

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

Learned counsel for the applicant invited our attention to the representation dated 23.05.2006/Annexure-8 of O.A preferred before the General Manager, North East Railway, Gorakhpur. In the last paragraph of the said representation, it has clearly been mentioned that the applicant may be accommodated in other Group 'B' post apart from safety category post and where there is no impediment of colour blindness. Learned counsel for the applicant at the very outset submitted that his main grievance has not at all been considered and the competent authority has rejected the same by a non-speaking order dated 21.08.2006.

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2. Having heard learned counsel for the parties, prima facie we find that the order dated 21.08.2006 passed by the competent 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 rendered in the case of **Ram Chandra (1986 SCC (L&S) 383)**, **N.M. Arya Vs. United India Insurance Company (2006 SCC (L&S) 840)**, **D.F.O Vs. Madhusudan Das (2008 Vol I Supreme Today page 617)** and **Director, I.O.C Vs. Santosh Kumar (2006 Voll. 11 SCC page 147)** in which it has been held by the Hon'ble Apex Court that while deciding the representation/appeal by the competent authority, speaking order should be passed.

3. Accordingly we hereby set aside the order dated 21.08.2006 (Annexure -9 of O.A) passed by the competent authority. The applicant is directed 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 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 23.05.2008/Annexure A-8 of O.A as well as in additional representation, within a period of three months on receipt of certified copy of the order, as contemplated above, keeping in view the request of the applicant with regard to non-impediment of technical safety in medial and in accordance with law and relevant rules on the subject (as referred above) and communicate the decision to the applicant forthwith.

4. 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/