

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH**

\*\*\*\*\*

**Original Application No. 979 of 2007**

Thursday, this the 25<sup>th</sup> day of February, 2010

**Hon'ble Mr. A.K. Gaur, Member (J)**  
**Hon'ble Mr. D.C. Lakha, Member (A)**

Kuldeep Sharma, aged about 37 years, Son of Sri Rajeshwar Sharma, Resident of Village Khirkita Digar, P.O. Khirkita Dubey, Tehsil Gola Bazar, District Gorakhpur.

**Applicant**

**By Advocates: Sri Shamim Ahmad**

**Vs.**

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. The Assistant Mechanical Engineer (Training), B.T. Centre, Mechanical Workshop, North Eastern Railway, Gorakhpur (Disciplinary Authority).
3. The Production Engineer, Mechanical Workshop, North Eastern Railway, Gorakhpur (Appellate Authority).
4. The Chief Workshop Manager, Mechanical Workshop, North Eastern Railway, Gorakhpur.

**Respondents**

**By Advocate: Sri P.N. Rai**

**ORDER**

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

We have heard Sri L.M. Singh holding brief of Sri Shamim Ahmad, learned counsel for the applicant and Sri P.N. Rai, learned counsel for the respondents, and perused the pleadings on record.

2. Perusal of the Revisional order, challenged by the applicant, indicates that the grounds taken in the Memo of Revision have not been properly considered and the Revisional Authority has not properly decided the Revision. It is also revealed that both the orders

✓

i.e. the orders of Appellate Authority as well as the Revisional Authority were passed in perfunctory and casual manner, and in violation of following case law of the Hon'ble Supreme Court: -

**“1. Ram Chandra vs. Union of India and others 1986 SCC L&S 383;**

**2. N.M. Arya vs. United India Insurance Co. 2006 SCC L&S 840;**

**3. D.F.O. vs. Madhusudan Rao 2008 Vol. I Supreme Today pg. 617;**

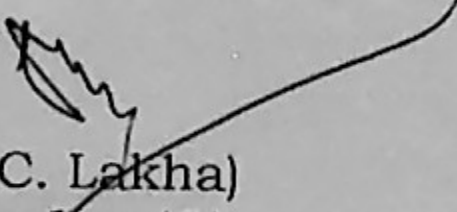
**4. Director I.O.C. vs. Santosh Kumar 2006 Vol. 11 SCC page 147.**

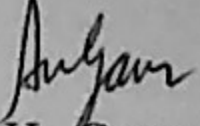
In all the aforesaid pronouncements, it has been held by the Hon'ble Apex Court that while deciding the appeal/revision by the competent Appellate as well as Revisional Authority, speaking order should be passed.

4. Having heard the parties counsel, we are of the view that both the aforesaid orders are cryptic, non-speaking and have been passed without considering the grounds taken by the applicant in the Appeal as well as in the Revision. Accordingly, we hereby set aside the impugned order dated 14.01.2000 (annexure A-2) and 30.04.2007 (Annexure A-3) and remand the matter back to the competent authority in the respondents' establishment to decide the Appeal/Revision by a speaking order, according to law, taking all the grounds taken in the Appeal/Revision within a period of three months from the date of receipt of a certified copy of this order. It is further directed that while deciding the Appeal/Revision, the O.A., filed by the applicant, shall be treated as part of the Appeal/Revision. With the consent of counsel for the parties, it is further provided that the competent Appellate/Revisional Authority shall grant personal hearing to the applicant. The decision taken shall be communicated to the applicant forthwith.

✓

5. With the above direction to the respondents, the O.A. stands partly allowed. No order as to costs.

  
(D.C. Lakha)  
**Member (A)**

  
(A.K. Gaur)  
**Member (J)**

/M.M/