

(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. 237 OF 2007.

ALLAHABAD this the 20th day of August, 2009.

S.K. Saxena, aged about 51 years, Son of Late Deo Sahai Saxena, Resident of B-2/55, G.T. Road Colony Type-II, O.P.F Estate, Kanpur-28013, presently posted as L.D.C, M.C.O Section Ordnance Parachute Factory, Kanpur.

.....Applicant.

VERSUS

1. Union of India through Secretary, Ministry of Defence, Department of Defence Production and Supply Government of India, New Delhi.
2. Additional Director General, Ordnance Factories, Directorate General Ordnance Equipment Factories, Gr. Head Quarter, G.T. Road, Kanpur.
3. General Manager, Ordnance Parachute Factory, Kanpur.

.....Respondents

Advocate for the applicant: Sri M.K. Upadhyay
Advocate for the Respondents : Sri S.C. Mishra

ORDER

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

Learned counsel for the applicant at the very outset invited our attention to the order dated ²⁷⁻²⁻⁰⁶ 27.10.2006/Annexure A-2 of O.A passed by the Appellate Authority ^{was dated 4-10-05 passed by Disciplinary Authority} and submitted that although several points have been raised by the applicant in his Appeal dated 07.11.2005/Annexure A-15 of O.A but the Appellate Authority while deciding the appeal has not taken into account the same and passed order in a most casual and perfunctory manner.

2. Having heard learned counsel for the parties, prima facie we find that the order dated ²⁷⁻²⁻⁰⁶ 27.10.2006/Annexure A-2 of O.A passed by the Appellate Authority ^{was dated 4-10-05 passed by Disciplinary Authority} is a non-speaking order and it has been passed

Consolidated by
2-9-09

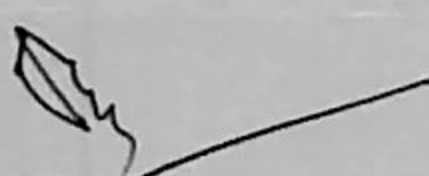
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A.M.

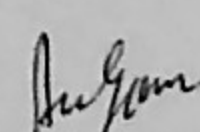
without application of mind as the Appellate Authority has not decided the Appeal of the applicant dated 07.11.2005 in accordance with the decision of Hon'ble Supreme Court rendered in the case of **Chairman/Disciplinary Authority, Rani Laxmi Bai Gramin Bank Vs. Jagdish Varshney** (JT 2009 Vol 4 SC 519), **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), **Director, I.O.C Vs. Santosh Kumar** (2006 Voll. 11 SCC page 147) and **State of Uttaranchal Vs. Karag Singh** (2008 Vol 8 SCC page 236), 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, ~~without entering into order of punishment~~, we hereby set aside the order dated ²⁷⁻²⁻⁰⁶ 27.10.2006/Annexure A-2 of O.A passed by the Appellate Authority and remit the matter back to decide the same afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his appeal dated 07.11.2005/Annexure A-15 of O.A, 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.

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/

Corrected on
2-9-09.

By  J.M.
A.M.

²⁷⁻²⁻⁰⁶ 27.10.2006/Annexure A-2 of O.A passed by the Appellate Authority and remit the matter back to decide the same afresh by a reasoned and speaking order meeting all the contentions raised by the applicant in his appeal dated 07.11.2005/Annexure A-15 of O.A, 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.