

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 29th day of April 2009

Original Application No. 425 of 2007

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. S.N. Shukla, Member (A)

Bishun Dev, S/o Budh Ram, R/ C/o Prem Chand, Ram Nagar Colony, Road No. I, Izzatnagar, Bareilly.

. . . Applicant

By Adv : Sri R.C. Pathak

V E R S U S

1. Union of India through the General Manager, North Eastern Railway, Headquarter, Gorakhpur.
2. The Chief Works Ship Manager (Personnel), N.E. Railway Izzatnagar, Bareilly.
3. The Chief Workshop Manager (Personnel), N.E. Railway, Gorakhpur.
4. The Deputy Chief Mechanical Engineer (Production), Disciplinary Authority, N.E. Railway Works Shop, Izzatnagar, Bareilly.
5. The Works Shop Manager (Plant), N.E. Railway, N.E. Works Ship Izzatnagar, Bareilly (Disciplinary Authority).
6. Smt. Surati Devi, W/o Sri Bishun Dev, R/o Village Unnarpur, P.O. Jhungiaya Bazar, Distt: Gorakhpur.

. . . Respondents

By Adv: Sri P. Mathur

O R D E R

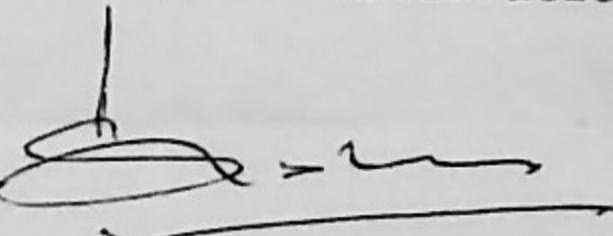
By Hon'ble Mr. A.K. Gaur, Member-J

Shri R.C. Pathak, learned counsel for the applicant and Sri P. Mathur, learned counsel for the respondents.

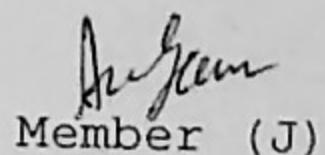
2. Learned counsel for the applicant submitted at the very outset that the appellate order passed by the Appellate Authority is (Annexure A-1 to the OA) wholly non-speaking and Cryptic and in view of decisions rendered by Hon'ble Supreme Court in *AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and others, 2006 (11) SCC 147 : Director IOC Vs. Santosh Kumar, JT 1994 (1) SC 597 : National Fertilizer Vs. P.K. Khanna and 2006 SCC (L&S) 840 : N.M. Arya Vs. United Insurance Co*, the appellate order is not at all sustainable.

3. Accordingly Appellate order dated 3/6.02.2007 (Annexure A-1 to the OA) is hereby quashed and set aside and the matter is remitted back for reconsideration to the Appellate Authority, by passing reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

4. With the above observation the OA is disposed of. No cost.



Member (A)


Member (J)

/pc/