

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No. 596 of 2007

Thursday, this the 05th day of February, 2009.

**Hon'ble Mr Ashok S. Karamadi, Member-J
Hon'ble Mrs. Manjulika Gautam, Member-A**

Vijai Narain Dubey, A/o 61 years, S/o Late Surya Narain Dubey,
R/o 6/36, Rani Ka Bagicha, Distt. Kanpur.

Applicant

**By Advocates: Sri Saurabh
Sri M.K. Sharma**

Vs.

1. Union of India through Secretary, Ministry of Defence, Government of India, New Delhi.
2. The General Manager, Ordnance Equipment Factor, Kanpur.
3. The Works Manager (Admn.), Ordnance Equipment Factory, Kanpur.
4. Sri Hari Lal (Retd.), T. No. 373 MS, Ordnance Equipment Factory, Kanpur.

Respondents

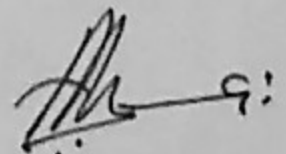
By Advocate: Sri R.C. Shukla

ORDER

By Ashok S. Karamadi, J.M.

This application is filed seeking to quash the impugned order dated 21.10.2006 by which the respondents have rejected the request of applicant without considering the contents made in representation 27.06.2006 of the applicant. As the respondents have failed to consider the same and rejected the representation, this application is filed.

2. On notice, the respondents have filed the counter affidavit contending that the Order passed by the respondents is just and proper. Even though detailed counter affidavit is filed, it does not contain any forthcoming reason how the case of the applicant was

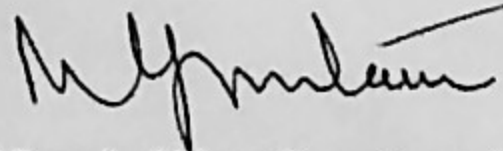


but even otherwise the respondents are seeking for dismissal of the O.A.

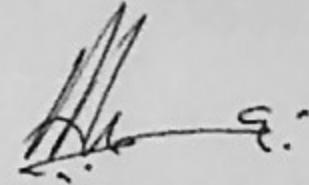
3. On perusal of the impugned order, it transpires that it does not contain any material fact that under which rule case of the applicant does not cover. Without there being any reason in the impugned order, said order cannot be said to be legal, just and proper.

4. Having regard to the above facts, we are of the view that the impugned order, passed by the respondents, cannot be sustained in the eye of law as the said order is not a speaking order. Accordingly impugned order dated 21.10.2006 is set aside. The matter is remanded back to the respondents for fresh consideration in accordance with law and to pass a speaking order within a period of three months from the date of receipt of a certified copy of this order.

5. With the above direction, O.A. is allowed. No order as to costs.



[Manjulika Gautam]
Member 'A'



{Ashok S. Karamadi}
Member 'J'

/M.M/