

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

**HON'BLE MR.A.K. GAUR , MEMBER (J).
HON'BLE MR. S.N. SHUKLA, MEMBER (A)**

Original Application Number. 731 OF 2007.

ALLAHABAD this the 28th day of April, 2009.

Vijai Pal, son of Jhamman Singh, resident of village Ballia, P.O. Ghamta, Tehsil- Meerganj, District- Meerut.

.....Applicant.

VE R S U S

1. Union of India through General Manager, Ministry of North East Railway, Gorakhpur .
2. Mandal Rail Prabandhak, Moradabad.
3. Mandal Parichalan Prabandhak, Uttar Railway, Moradabad.
4. Sahayak Parichalan Prabandhak, Moradabad.
5. Station Superintendent, Kharkhanda, Northern Railway, Meerut.

.....Respondents

Advocate for the applicant: Sri A.K. Srivastava
Advocate for the Respondents : Smt. Shikha Singh

O R D E R

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

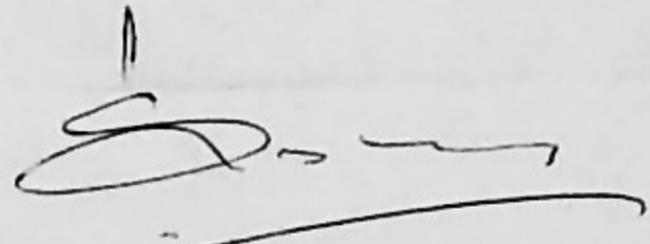
Having heard learned counsel for the parties, prima facie we find that the order dated 14.11.2006 passed by the Appellate Authority is not speaking and has been passed in a most casual and perfunctory manner as it has not been decided in accordance with the decision of Hon'ble Supreme Court rendered 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 Vol. 11 SCC**

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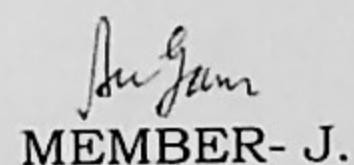
page 147) in which it has been held by the Hon'ble Apex Court that while deciding the representation/appeal by the competent authority, speaking order should be passed.

2. Accordingly we hereby set aside the order dated 28.01.2008 (Annexure A-I of O.A) passed by the Appellate Authority. The applicant is directed to file a certified copy of this order alongwith additional appeal, if so advised, within two weeks from the date of receipt of certified copy of this order before the concerned Appellate 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 as well as in additional appeal, 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.
3. 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/