

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

**HON'BLE MR.A.K. GAUR , MEMBER (J).
HON'BLE MR. D.C. LAKAH, MEMBER (A)**

Original Application Number. 756 OF 2007.

ALLAHABAD this the 29th day of *October*, 2009.

Vinay Kumar Parwana, a/a 45 years, S/o Late B.L. Parwana, R/o 14/9,
Labour Colony, Hathras, Distt. Hathras.

.....Applicant.

VER S U S

1. Union of India through General Manager, N. E. Railway,
Gorakhpur.
2. Divisional Railway Manager (Operating), N.E. Railway, Izzatnagar,
Bareilly.
3. Assistant Operating Manager (General), N.E. Railway, Izzatnagar,
Bareilly.
4. Sri Ram Vishal Shukla, Station Superintendent, N.E. Railway,
Kashganj, Post- Kashganj, Distt. Etah.

.....Respondents

Advocate for the applicant: Sri Vinod Kumar
Advocate for the Respondents : Sri P.N. Rai

ORDER

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

Having heard learned counsel for the applicant, prima facie we find that the order dated 12.07.2006/Annexure -5 of Counter Reply passed by the Appellate Authority on the Appeal dated 11.03.2006 (Annexure A-6 of O.A) filed by the applicant 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 following cases:-

(i) **AIR 1986 SC 1173: Ram Chand Vs. U.O.I. and Other.**

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- (ii) 2006 (11) SCC 147: Director IOC Vs. Santosh Kumar.
- (iii) 2005 (7) SCC 597: National Fertilizer Vs. P.K. Khanna.
- (iv) 2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance Co.
- (v) 2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao.
- (vi) 2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh.
- (vii) JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors.

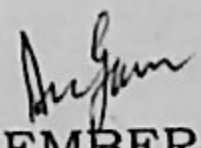
In the aforesaid judgments it has been held by the Hon'ble Apex Court that while deciding the representation/appeal by the competent authority, speaking order should be passed.

2. Accordingly we hereby set aside the order dated 12.07.2006/Annexure -5 of Counter Reply passed by the Divisional Railway Manager (Operating), N.E. Railway, Izzatnagar (respondent No. 2)/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 Appeal dated 11.03.2006 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.

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/