

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

O.A. NO: 9/2005

DATED: 12.1.2005.

HON'BLE SHRI SHANKER RAJU MEMBER(J)

HON'BLE SHRI S.P. ARYA MEMBER(A)

Ali Zafar Husain, son of Athar Husain, Resident of
Quarter No. A- 52, D-40- Quarter Railway Colony, Alambagh,
Lucknow. Permanent resident of 574, Dariyabad, Allahabad.

.....Applicant.

BY ADVOCATE Shri Sampurnanand.

VERSUS

1. Union of India through its General Manager,
Ministry of Railway, New Delhi.
2. Deputy Chief Engineer/T.P. Northern Railway, Baroda
House, New Delhi.
3. Executive Engineer, Thermit Portion Plant (TPP)
Northern Railway, Charbagh, Lucknow.
4. Shop Superintendent /Tpp Northern Railway, Charbagh,
Lucknow.

.....Respondents.

BY Advocate Shri Bhupendra Singh for Shri N.K. Agarwal.

ORDER (ORAL)

BY HON'BLE SHRI SHANKER RAJU MEMBER(J)

Heard counsel for the parties.

2. Penalty of removal inflected vide order dated 9.9.2003,
affirmed in appeal on 7.11.2003 and maintained vide revisional
order dated 5.5.2004 is assailed.
3. It is trite law that a quasi judicial authority while passing
an order should give reasons in support of the orders with some
justification.

4. Railway Board circulars issued in 1984-86 and reiterated in 2002 lay down, in the light of decision of the Apex Court in Mahabir Prasad Versus State of U.P. AIR 1970 SC 1302 to pass a detailed and speaking order. As the order passed are non speaking order, this deprives the applicant an opportunity to exercise effectively right of appeal as well as revision. This also brings an anti thesis to transparency in the orders passed by the respondents for which sine qua non is fairness.

5. Accordingly keeping in view that non speaking orders ^{have been} passed, O.A. is partly allowed. Impugned orders are set aside.

This would entail reinstatement of the applicant with liberty to the respondents to pass a fresh order. The intervening period would be operated as per the order to be passed. This shall be done within a period of 2 months from the date of receipt of copy of this order.

No costs.


(S.P. ARYA)

MEMBER(A)


(SHANKER RAJU)

MEMBER(J)

HLS/