

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 39/2009

This the 1st day of April, 2010

Hon'ble Dr. A.K.Mishra, Member (A)

Sudhir Kumar Gupta aged about 42 years son of late Sri Narayan Prasad Gupta, resident of 14/241, Vikas Nagar, Lucknow.

Applicant

By Advocate: Sri S. Kumar

Versus

1. Union of India through Secretary, Ministry of Home, New Delhi.
2. Chairman, Joint Intelligence Commission, Sardar Patel Bhawan, New Delhi.
3. Joint Deputy Director (L), Subsidiary Intelligence Bureau, Ministry of Home Affairs, (MHA) Govt. of India, Lucknow.
4. Joint Director, Subsidiary Intelligence Bureau, Lucknow.

Respondents

By Advocate: K.K. Shukla for Dr. Neelam Shukla

ORDER (ORAL)

Hon'ble Dr. A.K. Mishra, Member (A)

Heard both parties.

2. The sole point canvassed at the time of hearing by the learned counsel for the applicant is that the applicant made a representation to the Chairman stating that the attendance register which reflects the punctuality of the attendance of the employees had not been inspected to come to a finding that he was not punctual in attending the office duty.
3. The impugned order dated 3.11.2008 of Joint Director (Respondent NO.3) the appellate authority in this case does not reveal that the specific grounds taken by him at paragraph 7 of his representation dated 22.8.2008 made to the Chairman, JIC as stated earlier has not been specifically dealt with.
4. In the circumstances, I find it difficult to sustain the finding of appellate authority that his decision was based on examination of all relevant papers. He should have made specific observations about the grounds taken by the applicant in his representation. Therefore, this order is set aside. The applicant is directed to file a fresh representation to the appellate authority under intimation to the Chairman of JIC again for consideration within a period of 4



weeks from today. On getting a fresh representation, the competent appellate authority should consider the grounds taken and pass a speaking and reasoned order (in accordance with government instructions) within 3 months from the date of supply of representation.

5. The O.A. is disposed of accordingly. No costs.

HLS/-


(Dr. A.K. Mishra)
Member (A)