

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 569 of 2003

Indore, this the 13th day of January, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Anandilal Vishwakarma, S/o. Shri Tolaram
Vishwakarma, Aged 47 yrs., Occup. Service,
R/o. Indore. ... Applicant

(By Advocate - Miss. Vandana Kasrekar)

V e r s u s

1. Union of India, through
Ministry of Finance, (Dept.
of Revenue), New Delhi.
2. Commissioner, Central Excise &
Customs, Manik Bag Palace, Indore.
3. Dy. Commissioner, Central Excise
& Customs, Manik Bag Palace, Indore.
4. Govind Singh Rajput, Tax Assistant,
Central Excise Division, Bharatpuri,
Ujjain.
5. Badriprasad Vaidya, UDC, Central
Excise, Head Quarter Bhopal,
Maida Mill, Hoshangabad Road,
Bhopal. ... Respondents

(By Advocate - Official respondents by Shri Umesh Gajankush)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant
has claimed the following main reliefs :

- "1. the order dated 23.1.2003 (Annexure A-12)
be quashed,
2. the respondents be directed to promote the
applicant to the post of LDC from the date when his
junior i.e. respondent No. 4 and 5 were promoted,
3. the respondents be directed to grant all
consequential benefits of higher pay and seniority
to the applicant as compared with the juniors
promoted prior to the applicant."

2. The brief facts of the case are that the applicant
was appointed as a Sepoy in the Central Excise in December,

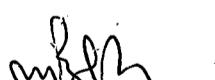
1979. He had appeared in the departmental qualifying

examination prescribed for appointment to the post of Lower Division Clerk in December, 1986. The applicant has been promoted to the post of Lower Division Clerk in 1993. Earlier he has filed OA No. 408/1991, whereby he has claimed the promotion to the post of Lower Division Clerk. That OA was disposed of/vide order dated 18th June, 1999. Thereafter, the applicant has challenged this order before the Hon'ble High Court of Madhya Pradesh at Indore Bench by filing WP No. 1455/1999. The WP No. 1455/1999 was disposed of by the Hon'ble High Court vide order dated 8th August, 2002 directing the applicant to submit a representation to the Department and the Department was directed to consider the representation in accordance with rules and within a reasonable time. Accordingly, the applicant has filed the representation dated 1.11.2002. The respondents have considered this representation of the applicant and vide orders dated 23.1.2003 and 4.2.2003 rejected the representation of the applicant. We find that both the orders dated 23.1.2003 and 4.2.2003 are very cryptic and non-speaking. Thus, we therefore quash and set aside both the impugned orders dated 23.1.2003 and 4.2.2003 and direct the respondents to pass a speaking, detailed and reasoned order within a period of two months from the date of receipt of a copy of this order.

3. Accordingly, the Original Application stands disposed of. No costs.

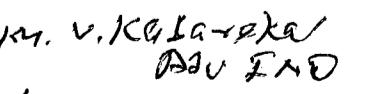


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

प्रांतिक राज्य अधिकारी..... जबलपुर, दि.....
प्रांतिक विधायिका विधायिका, जबलपुर
(1) संसद, नगर निवास, नगर निवास, जबलपुर
(2) अमरपुरा, नगर निवास, जबलपुर
(3) पानीपत, नगर निवास, जबलपुर
(4) चित्तोर, नगर निवास, जबलपुर
सूचकान्तर: 14/11/2003


M. V. Kalavarka
Adv. INO
4. G. D. K. K. Singh
Dr. D. D. Singh

Received
On 19/11/2003
By [Signature]

14/11/2003
अध. रजिस्ट्रार