

**Central Administrative Tribunal
Principal Bench**

OA No.2968/2012

New Delhi, this the 9th day of November, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Shri V.K. Chaudhary, Age 49 years,
Joint General Manager,
Ministry of Defence,
R/o Ordnance Factory,
Muradnagar, District-Ghaziabad.

...applicant

(By Advocate : Shri Sachin Chauhan)

Versus

1. Union of India Through,
The Secretary,
Ministry of Defence,
Govt. of India,
South Block,
New Delhi.
2. The Director General,
Ordnance Factories,
Govt. of India,
Ministry of Defence,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Kolkata-7000 01.
3. The Additional Director General,
OEF Group Headquarter,
G.T. Road, Kanpur,
Uttar Pradesh.
4. The General Manager,
Ordnance Parashute Factory,
Napier Road, Kanpur Cantt.,
Uttar Pradesh-208004.

...respondents

(By Advocate : Shri Ashish Nischal for Shri Rajinder Nischal)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman :

The applicant was served with the APAR for the period 01.04.2010 to 31.03.2011 which was allegedly downgraded by the Accepting Officer.

He made a detailed representation dated 24.12.2011 for the consideration of the Competent Authority. The said representation has been rejected vide impugned order dated 16.02.2012 (Annexure A/1).

2. We have perused the impugned order. It does not contain any reason whatsoever for rejecting the representation. It is well settled law that even the administrative authority is required to record reasons, particularly in respect to the grievances projected by the applicant relating to an action of which the public servant is aggrieved. It was obligatory on the part of the Competent Authority to have recorded reasons before passing the impugned order. Non-recording of the reasons amounts to violation of the principles of natural justice as the aggrieved person has a right to know the reasons for rejection of his representation.

3. For the above reasons, the OA is allowed. The impugned order dated 16.02.2012 is set aside. The Competent Authority is directed to re-examine the representation of the applicant and decide the same by passing a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of this order. No costs.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

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