

Central Administrative Tribunal
Principal Bench

O.A. 2792/2001

(2)

New Delhi, this the day of 2nd November, 2001.

Hon'ble Shri S.R.Adige, Vice-Chairman(A)
Hon'ble Dr.A Vedavalli, Member(J)

S.S.Negi
H.No.336 D, Gali Noo.13,
Sadh Nagar, Palam Colony
New Delhi-45.
(By advocate: B.N.Bhargava)

...Applicant.

Versus

1. The Chairman,
Kendriya Vidyalaya Sangathan,
301-C, Shashtri Bhawan,
New Delhi.
2. The Vice-Chairman,
Kendriya Vidyalaya Sangathan,
Shashtri Bhawan,
New Delhi.
3. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheedjeet Singh Marg,
New Delhi-16.
1. The Asstt. Commissioner,
Regioner Office,
Kendriya Vidyalaya Region,
Lucknow.
(By advocate:Shri S.Rajappa)

.... Respondents.

ORDER(Oral)

By Shri S.R.Adige, Vice-Chairman(A)

Applicant impugns respondents' order dated 24.4.2000, rejecting his appeal as being time barred.

2. Heard both sides.
3. The services of the applicant were terminated by respondents' order dated 18.12.1998. We are informed that applicant did not file his appeal within the prescribed period of 45 days from the date of the penalty order dated 18.12.1998. Instead applicant has filed the appeal on 30.3.1999.
4. We note that the delay in filing the appeal is about fifty five days. However, as applicant has been

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visited with the severe penalty of termination of his services, we are of the view that it would be fair and proper that his appeal be disposed of by respondents on merits instead of on the ground of limitation alone.

5. Under the circumstances, in the interest of justice the impugned order dated 24.4.2000 is quashed and set aside and respondents are directed to dispose of applicant's appeal on merits, after ignoring the delay ~~and~~ ⁱⁿ filing the same, by a detailed, speaking and reasoned order as expeditiously as possible, and preferably within two months from the date of receipt of a copy of this order.

6. If applicant is aggrieved by the appellate order so passed,, it will be open to challenge the same through appropriate original proceedings in accordance with law if so advised.



(Dr. A. Vedavalli)
Member (J)
/kd/



(S.R. Adige)
Vice Chairman (A)