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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 629/1989

New Delhi, dated the 29th July, 1994

CORAM

Hon'ble Sh. B.N. Dhoundiyal, Member(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Parshadi Lal
S/o Sh. Sarna Mal
resident of H.No.311,
Budh Bharat Nagar, Ghaziabad (UP)

... Applicant

(By Advocate Sh. Mahesh Srivastava)

V/s

1. Union of India, Service to be effected through Genl. Manager, N.R. Baroda House, New Delhi
2. Genl. Manager, N.R. Baroda House, New Delhi

... Respondents

(By Advocate Sh. B.K. Aggarwal)

JUDGMENT(ORAL)

(Hon'ble Sh. B.N. Dhoundiyal, Member (A)

Applicant is a Fireman 'C' in the Indian Railways is aggrieved by the impugned order dated 1 (Ann.C) 25.2.1985 whereby he was reduced to the lower post of cleaner in the pay scale of Rs 196-232 for a period of two years from the higher post of Fireman 'C'

in the scale of 210-270. He came to this Tribunal in O.A. 1211/87 and on 10.11.1987 this Tribunal directed the respondents to dispose of the appeal submitted by him within a period of two months. That appeal was decided on 20.11.1987. A review was filed which was decided on 23.12.1987. This O.A. challenges these orders dated 20.11.1987 and 23.12.1987.

3. The first question to be decided relates to limitation. Even though, the appeal was decided and communicated to the applicant on 4.1.1988, this petition was filed on 27.3.89. Shri Mahesh Srivastava explained that earlier this case was being dealt with by Sh. Umesh Mishra, advocate, who expired in December, 1987. The delay is only 65 days and at this stage it is not even possible to ascertain the circumstances under which late Shri Umesh Mishra could not file this O.A. in time, We hold that in the interest of Justice, we should overrule the objection raised by the learned counsel for the respondents in this regard and in the peculiar circumstances of the case condone the delay.

4. Learned counsel for the applicant had drawn our attention to the fact that enquiry officer had submitted his report on 11.7.1984. Even after that

date the enquiry officer summoned the witnesses on 17.12.1984 and 16.1.1985. This shows that report was submitted even before he could examine all the witnesses. This point was raised by the applicant in his appeal but the appellate order dated 20.11.1987 is silent on this point and consists of only the following cryptic remarks:-

"I have gone through the entire case. It is a case of indiscipline and he has been correctly and adequately punished. Hence appeal is rejected."

5. In the facts and circumstances of the case we hold that the appellate order dated 20.11.1987 is not maintainable. It is hereby quashed. Respondents are directed to consider the various points raised in the appeal and pass a speaking order after giving personal hearing to the applicant. These directions should be complied within 3 months from the date of receipt of a certify copy of this order.

6. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (Judicial)

B.N. Dhondiyal
(B.N. Dhondiyal)

Member (A)

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