

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

O.A./050/00369/2020

Date: 09th October, 2020.

CORAM

HON'BLE MR. M.C. VERMA, MEMBER (J)
HON'BLE MR. SUNIL KUMAR SINHA, MEMBER (A)



Ashutosh Chandra Son of Sri Deo Chandra Chaudhary Ex.
Postal Assistant, Patna GPO, Patna, Resident of Mohalla-Janki
Nagar, Behind MIG-190, Hanuman Nagar, P.S. Patrakar Nagar,
District-Patna-800020 (Bihar).

.....Applicant

By Advocate : Shri M.P. Dixit.

Versus

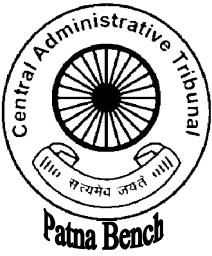
1. The Union of India through the Director General of Post, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi-110001.
2. The Chief Post Master General, Bihar Circle, Patna-800001.
3. The Director, Postal Services (HQ) Office of the Chief Post Master General, Bihar Circle, Patna-800001.
4. The Deputy Chief Postmaster (Admn), Patna GPO, Patna-800001. (Bihar).
5. The Director of Accounts, Postal, Patna GPO Campus, Patna-800001 (Bihar).

..... Respondents.

By Advocates: Shri S.K. Sinha.

**ORDER
[ORAL]**

PER M.C. VERMA, MEMBER [J] :- Heard. The matter is at notice stage hearing. Learned counsel for applicant, Sri M.P. Dixit giving backdrop facts of the matter submits that CBI had registered a criminal case against the applicant for which he remained in custody from 30.04.2018 to 14.11.2019 and for same charges a departmental proceeding was also initiated against him. That ignoring the fact that



applicant was not in a position to present his case departmental inquiry was conducted while the applicant was in judicial custody and the Disciplinary Authority on the basis of said inquiry report passed an order for dismissal on 24.11.2018 when still the applicant was in judicial custody. That applicant, after release on bail, preferred an appeal to the Post Master General but the appeal was returned back with endorsement that Appellate Authority in his case is Director, Postal Services and thereafter, applicant preferred appeal, on 12.02.2020, before the Director, Postal Services stating the factual position regarding his judicial custody also but surprisingly the Appellate Authority dismissed the appeal stating that it had become time barred.

2. Learned counsel for applicant urged that Appellate Authority ought to have consider the appeal on merit under Rule 25 of the CCS (CCA) Rules, 1965 and that order of the Appellate Authority is improper as Appellate Authority failed to adopt a rational approach and decide the matter on merits. He requests to pass an appropriate order.

3. Learned counsel for respondents, who has appeared on receipt of advance copy of OA, upon query whether it would not be appropriate for the appellate authority to take recourse of Rule 25 of the CCS (CCA) Rules, 1965, on the issue of delay and to decide the appeal on merit answered that the matter may be remitted back to the appellate authority to consider and pass appropriate order.

4. Having taken note of entirety, the order of Appellate Authority dated 1.05.2020 (Annexure A-11) is set aside. The matter is remitted back to Appellate Authority, Respondent no.3, to consider the appeal on merits and pass a comprehensive order within four months.

[Sunil Kr. Sinha]

Member [A]

BP/-

[M.C. Verma]

Member [J]

