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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

REGN. NO. C.A. 953/87

DATE OF DECISION: 16.12.1991

Gaya Parshad

... Applicant.

Versus

U.O.I. & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. D.K. CHAKRAVORTY, MEMBER(A).

For the Applicant.

... Shri B.S. Mainee,
Counsel.

For the Respondents.

... Shri D.N. Moolri,
Counsel.

(Judgement of the Bench delivered by
Hon'ble Mr. Justice V.S. Malimath,
Chairman)

After the Original Application was heard for some time, we are left with the impression that the statutory right of appeal available to the applicant must be availed of by him. As a matter of fact, he came before the Tribunal even before the impugned order of punishment was passed. The order of punishment was imposed only after he filed the O.A. before the Tribunal. The applicant, who was also present in the court, submitted that, after the O.A. was admitted on 14.4.1987, he, on the basis of receipt of the orders imposing penalty dated 18.3.1987, preferred an appeal to the Divisional Commercial Manager, New Delhi. That appeal has obviously not been disposed of by the Appellate Authority because he was pursuing his case before this Tribunal.

Having regards to the facts and circumstances of the

✓ case, we think it proper that the applicant should approach

the Tribunal only after he has exhausted the remedies available to him by way of appeal. Learned counsel for the applicant submitted that he should be allowed to file a fresh memo. of appeal. We consider it proper to permit him to file a fresh memo. of appeal against the order dated 18.3.1987 within a period of 10 days from today. The respondents shall entertain the same without raising any objections regarding limitation. They shall dispose of the appeal within a period of three months from the date of receipt of memo. of appeal. It is needless to say that the Appellate Authority will dispose of the matter objectively and giving a sympathetic consideration. For the reasons stated above, this G.A. stands disposed of with a direction that if the applicant files an appeal memo. against the impugned order dated 18.3.1987 within 10 days from today, the same shall be disposed of within a period of three months of the receipt of memo of appeal. This does not preclude the applicant from availing of the remedy under the Administrative Tribunals Act in accordance with law. No costs.

D.K.Chakravorty
(D.K. CHAKRAVORTY)
MEMBER(A)

V.S.Malimath
(V.S. MALIMATH)
CHAIRMAN

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