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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

OA NO.98/87

DATE OF DECISION 13-10-92

Shri Pramod Kumar Shukla,
Ticket Collector,
Delhi Northern Railway station,
Delhi

APPLICANT

Vs.

Union of India &Ors.

RESPONDENT

CORAM;

THE HON BLE MR.JUSTICE SHRI RAM PAL SINGH; VICE CHAIRMAN
THE HON BLE SHRI I.P. GUPTA; MEMBER (A)

FOR THE APPLICANT

SHRI R.L. SETHI

FOR THE RESPONDENTS

O.N.MOOLRI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?

J U D G E M E N T

(Delivered by Hon'ble Mr.Justice Shri Ram Pal Singh, Vice Chairman)

This O.A. has been filed by the applicant challenging the penalty imposed upon him by order dated 29.01.1986. According to the applicant, he challenged the finding the disciplinary authority before the appellate authority vide Annexure-3 dated 26.02.1986 and according to the applicant when he did not receive the reply to Annexure-3, he filed this O.A. on 19.01.1987. The learned counsel for the respondents Shri Moolri contended that the appeal filed by the applicant was barred by limitation. Hence, the appellate authority has not passed any orders upon that appeal.

Santhi

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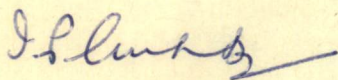
2. The responsibility of the appellate authority in a departmental proceedings is very great. It is the appellate authority who has to see whether the disciplinary authority has conducted the domestic enquiry in connection with the rules and regulations or not. They are also ^{to} apply their mind to the facts of the case and the evidence adduced in those proceedings. The appellate authority should immediately apply their mind and pass appellate orders on merits as early as possible. We are satisfied that the appellate authority has been sitting over the order which was challenged before it. Even if the appeal was barred by limitation, the applicant deserve this much of courtesy from the appellate authority that ^{he is told that} his appeal is barred by limitation, so that he could have challenged the appellate order also along with the order of penalty imposed by the disciplinary authority, even if the appeal was barred by limitation. The stand of the appellate authority in respect of limitation taken appears to be incorrect because the impugned order was passed on 29.01.1986 and Annexure-3, their appeal filed on 26.02.1986. Thus, the applicant filed the appeal within a period of thirty days from the date of passing of the impugned order or too.

3. We, therefore, allow this O.A. and direct the appellate authority to dispose of the appeal of the applicant within a period of three months from the date of the communication of the copy of this order. If the applicant is aggrieved by the order of the appellate authority, then he can challenge both the orders i.e. that of the disciplinary

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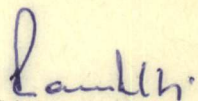
authority and appellate authority by filing the fresh O.A. and all the grounds taken in this O.A. shall be opened to him when he files the fresh O.A.

4. This O.A. is, thus, finally disposed of.



(I.P. GUPTA)

MEMBER(A)



(RAM PAL SINGH)

VICE CHAIRMAN