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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI

D.A. No. 1792 of 1990 Dated the 23rd August, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Om Parkash,  
S/o Shri Mangte Singh,  
R/o Mohalla Rampura,  
Najibabad-246763.

... APPLICANT

(By Advocate: Shri Mahesh Srivastava)

VERSUS

1. The Union of India through  
the Secretary,  
Ministry of Information & Broadcasting,  
Govt. of India, New Delhi.

2. Superintending Engineer,  
High Power Transmission,  
All India Radio, Khampur,  
Delhi.

3. Dy. Director General (Administration),  
All India Radio,  
New Delhi.

4. Director General,  
All India Radio,  
New Delhi.

... RESPONDENTS

(By Advocate: Shri M.L. Verma)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Om Prakash, Clerk  
Gr. II, All India Radio, High Power Transmission,  
Khampur, Delhi has impugned the order dated  
12.9.89 dismissing him from service, and the  
appellate authority's order dated 24.1.90 rejecting  
the appeal on the ground that the same is time-  
barred as it was not preferred within 45 days of  
the receipt of the penalty order.

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2. The applicant was proceeded against departmentally on the charge that he had submitted a false B. Com. certificate. A departmental inquiry was conducted against the applicant, in which the Inquiry Officer held the charge to be proved, and upon accepting the Inquiry Officer's report the disciplinary authority by his letter dated 12.9.89 imposed the punishment of dismissal from service and the applicant's appeal was rejected vide order dated 24.1.90 on the ground that, as cited above, it was time-barred.

3. We have heard Shri Mahesh Srivastava for the applicant and Shri M.L. Verma for the Respondents.

4. In this connection Shri Srivastava has stated that the disciplinary authority's order dated 12.9.89 was received by him at his village home in Bijnore Distt. of U.P. on 16.9.89, and 45 days commencing from 17.9.89 would elapse on 31.10.89 and the appeal petition was filed on 9.11.89. Shri Verma has stated that a copy of the disciplinary authority's order dated 12.9.89 was made available to the applicant that date itself but even so the period of delay in filing the appeal petition would be extended only by four days coming to 13 days or so.

5. Shri M.L. Verma has conceded very fairly and justly that this is a fit case for the matter to be remanded back to the appellate authority for considering the appeal petition on merits.

6. Accordingly we quash and set aside the appellate authority's order dated 24.1.90 rejecting the applicant's appeal merely on grounds of being time-barred, and direct the appellate authority to dispose of the applicant's appeal petition on merits within three months from the date of receipt of a copy of the judgment. In case the applicant prays for a personal hearing by the appellate authority within one month from the receipt of this judgment, the appellate authority may consider granting such personal hearing before disposing of the appeal on merits.

7. This O.A. is disposed of accordingly.  
No costs.

Lakshmi  
(MRS. LAKSHMI SWAMINATHAN)

Member (J)

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(S.R. ADIGE)  
Member (A)

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