

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 20TH DAY OF MARCH, 2001

Original Application No.1169 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER, (A)K.P.Chaurasia, S/o Shri M.P.Chaurasia
R/O 17/214 Neel kant,
City Station Road, Agra.

... Applicant

(By Adv: shri Arvind Kumar)

Versus

1. Union of India through the Secretary
Ministry of Telecommunication, Govt.
of India, New Delhi.
2. Telecom District Manager, Agra.
3. Divisional Engineer Phones,
M.Tec-II, Sanjay Place, Agra
4. Accounts Officer, Telecom District
Manager, Agra.

... Respondents

(By Adv: Shri D.S.Shukla)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

This OA u/s 19 of A.T.Act 1985 has been filed challenging order dated 1.5.1996 by which applicant has been punished on conclusion of the disciplinary proceedings against him. The penalty awarded is that applicant has been reduced to four stages from Rs.1075 to 975/- for a period of three years. It has been further directed that an amount of Rs.76,764.58p will be recovered from him as loss caused to the department.

It is not disputed that the applicant has statutory right of appeal against the impugned order but he instead of going in appeal directly filed this

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OA in this Tribunal.

We have heard learned counsel for the parties. After hearing learned counsel for the applicant and learned counsel for the respondents to some extent we are of the opinion that the questions of fact and law involved are such which require examination by the Appellate Authority. It shall be in better position to look into the entire record and appreciate the contentions raised on behalf of the applicant. The learned counsel for the applicant, however, submitted that if the applicant is ~~delegated~~ to the alternative remedy at this stage his appeal shall be time barred and he shall be required to pay the amount of Rs.76,764.58p immediately.

We have considered this aspect of the matter. As this OA was admitted on 13.11.1996 and this matter was pending in this Tribunal during all these period in our opinion, applicant may be given liberty to file appeal and it may be directed to be decided on merits ignoring the question of limitation.

The OA is accordingly disposed of finally with the liberty to the applicant to file appeal against the impugned order within a period of three weeks from the date of receipt of the copy of the order. The appeal if so filed, shall be considered and decided by the Appellate Authority in accordance with law within a period of three months from the date the copy of this order alongwith appeal is filed before him. The question of limitation shall not come in the way of the applicant.

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For a period of four months or till the appeal is decided whichever is earlier, the amount shall not be recovered. However, there will be no order as to costs.

S. Aris
MEMBER(A)

[Signature]
VICE CHAIRMAN

Dated: 20.3.2001

/Uv/