

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

Allahabad, this the 11th day of September, 2009

Hon'ble Mr. A.K. Gaur, Member-J
Hon'ble Mr. D.C. Lakha, Member-A

Original Application No.1299 of 2005
(U/s 19 of Administrative Tribunal Act, 1985)

A.K. Thakur S/o Shri M.L. Thakur, R/o R.B. II, Rani Lakshmi Nagar, Railway Colony Jhansi, Commonly Posted as R.G.C. Goods Shade, Jhansi.

..... Applicant.

By Advocate : Shri Rishi Kesh Tripathi

V E R S U S

1. Union of India through General Manager, North Central Railway at Allahabad.
2. Senior Divisional Commercial Manager, North Central Railway, Jhansi.
3. Divisional Commercial Manager, North Central Railway, Jhansi.
4. Chief Commercial Inspector/Enquiry Officer, North Central Railway, Jhansi.
5. Chief Booking Supervisor, North Central Railway, Jhansi.

..... Respondents

By Advocate : Shri A.Tripathi

ORDER

By Hon'ble Mr. A.K. Gaur, Member-J :

Heard Shri Rishi Kesh Tripathi, learned counsel for the applicant and Shri A. Tripathi, learned counsel for the respondents.

2. Learned counsel for the applicant submitted that the Appellate Authority, while deciding the appeal of the applicant has


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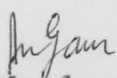
not at all considered the fact that the appeal was filed in time. The appellate authority has observed in the order that the appeal filed by the applicant is time barred. Learned counsel for the applicant would contend that the appellate order deserves to be quashed and set aside in view of the following decisions rendered by Hon'ble Supreme Court reported in :-

- (i) **AIR 1986 SC 1173 : Ram Chand Vs. U.O.I. and others**
- (ii) **2006 (11) SCC 147 : Director IOC Vs. Santosh Kumar**
- (iii) **JT 1994(1) SC 597 : National Fertilizer Vs. P.K. Khanna**
- (iv) **2006 SCC (L&S) 840 : N.M. Arya Vs. United Insurance Co.**
- (v) **JT 2009 (4) SC 519 : Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank Vs. Jagdish Sharan Varshney & ors.**
- (vi) **2008(8) SCC 236 : State of Uttarakhand & Others Vs. Kharak Singh.**

3. Having heard the parties counsel, we are firmly of the view that the appellate order dated 26.8.2005 (Annexure-9) being cryptic and non-speaking deserves to be quashed and set aside. Accordingly, the order dated 26.8.2005 (Annexure-9) is quashed and set aside and the matter is remitted back to the Appellate Authority for reconsideration of the entire matter afresh, and pass appropriate reasoned and speaking order, within a period of three months from the date of receipt of copy of this order. While deciding the appeal of the applicant the question of delay and laches shall not be taken into account by the Appellate Authority. The O.A. may also be treated as a part of appeal.

4. With the above directions, the OA is disposed of. No costs.


Member-A


Member-J