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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

T.A. No.1851/87

(W.P.No.9259/85)

Heera Lal Tiwari : : : : : Applica-nt

Vs.

Union of India & : : : : : Respondents  
Others

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is a transfer application under section 29 of the Administrative Tribunals Act, 1985. The applicant filed a Suit against his removal order as well as the appellate order rejecting his appeal. He was appointed as Box-Porter on 10-5-76 and vide order dated 18-5-84 he was removed from service. According to the applicant, without any enquiry he was removed from service. But from the documents it appears that an Enquiry Officer was appointed and he has submitted an enquiry report and on the basis of the report of the Enquiry Officer the disciplinary authorities passed the said removal order. Some 3 years thereafter the applicant filed a time-barred appeal in February, 1985 along with an application for condonation of delay. The appellate authorities passed an order on 18-2-85 observing 'appeal rejected'. Thus it has not been stated by the appellate authorities that the appeal has been rejected on the ground that it is barred by time. Accordingly this is a fit case for condoning the delay.

2. The appellate authorities should have either condoned the delay or disposed of the appeal because of the delay, but instead of that they have passed a non-speaking order. Accordingly this application deserves to be allowed to the extent that the appellate order dated 18-2-85 is quashed. The appellate authorities are directed to hear and decide the appeal on merit, in case the delay in filing the appeal is condoned as per law if it is a fit case. In case the appeal is decided on merit, the applicant shall be given a personal hearing. Let it be done within a period of 3 months. No order as to the cost.

*Rajbhash*  
Member (A)

*U*  
Vice-Chairman.

Dated: 5th November, 1992, Allahabad.

(tgk)