

(A3)  
1

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A.No.568 of 1987

K.C.Dubey

....

Applicant

Vs.

Union of India & Others ....

Respondents

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

Hon'ble Mr. A.B. Gorthi, Member(A )

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

The applicant who was working as Packer (Group D employee) in the Head Post Office, Allahabad was chargesheeted on 1.9.1981 for certain misconduct and misbehaviour. An Inquiry Officer was appointed who after the inquiry submitted his report holding the charges against the applicant were not proved. It appears that the Disciplinary Authority disagreed with the finding and passed the punishment order for reducing his pay by three stages. It is not known whether any opportunity for hearing was given to the applicant by the Disciplinary Authority while disagreeing with the findings of the Inquiry Officer's. The applicant filed an appeal against the said punishment order, and the Appellate Authority remitted the case for correcting the said order and the order was corrected. In the meantime the applicant who had already served the punishment order was again given a notice for revision of the said order. It appears that the opposite party no.3 approached the Director Postal Services with the grievance that the



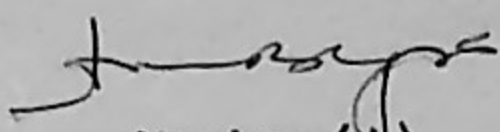
A3  
2


7

penalty was insufficient. A fresh punishment order was passed against the applicant by the Superior Authority on 29.5.86. The applicant challenged the same and the Tribunal allowed the application vide order dated 11.12.86 directing the Appellate Authority to dispose of the appeal. The Appellate Authority dismissed the appeal on 11.12.1986 on the ground that it is time barred. Obviously the Appellate Authority was not conversant with the legal position and it appears that the Appellate Authority was not interested in doing the job which was assigned to him and he wanted to adopt the cut short method and that is why he dismissed the appeal on the ground that it is barred by time. When a direction was given by the Tribunal the Appellate Authority was duty bound to give <sup>due</sup> regard to it and not to disregard it in this manner. The matter has become somewhat old otherwise the Appellate Authority was liable to face the action under Contempt of Courts Act. Even if the appeal was barred by time there was no bar for the Departmental Authority who was not court of law to admit the appeal and hear and dispose <sup>it</sup> of on merit. The limitation in these circumstances has not been laid down for this purpose with the moment that the appeal is barred by time and dismissing it on the ground without adjudicating the matter on merit. It was the case in which the appeal should have been entertained on <sup>its</sup> merits. Accordingly the appellate order is quashed and the Appellate Authority is directed to

A3  
3  
(8)

disposed of the appeal within a period of three months from the date of communication of this order. taking into consideration each and every plea which has been raised by the applicant, and the Appellate Authority shall pass a speaking order. No order as to costs.

  
Member (A)

  
Vice-Chairman.

25th Feb, 1992, Allahabad.

(sph)