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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 784 of 1987

N.P. Upadhyaya Applicant
Versus
Union of India and Others Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C
Hon. Mr. K. Chayya, Member (A)

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

The applicant was a permanent employee as LDC in the Office of Central Ordnance Depot, Chheoki, Allahabad. He was charge sheeted. After Enquiry, the Disciplinary Authority has imposed the penalty of reduction of his pay by three stages in the pay scale of Rs.260-6-290-EB-6-326-8-366-EB-390-10-400 for a period of three years and has further directed that the applicant will not earn increment of pay during the period of such reduction and that this reduction shall have the effect of postponing the future increment of the applicant's pay on expiry of the period for which the penalty was awarded. This order was passed on 6.12.1984 in respect to the charge

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against him, that he indulged in an unlawful act of instigating his co-workers in an insolent behaviour and similar other charges.

2. After the punishment as the complete enquiry proceedings were not given to the applicant, he moved ~~an~~ applications on 8.1.85, 21.1.85, 6.7.85 and 20.1.86 to the Commandant, C.O.D Chheoki, Allahabad and A.O.C.R Secunderabad and it was only thereafter was supplied the relevant papers. After supplying of the relevant papers, the applicant filed an appeal and in the memo of the appeal it has been mentioned the reasons as to ^{why} the appeal is belated. The reason given by the applicant is being sufficient and he was stating that unless he may not get complete papers it will be difficult for him to file an appeal and the appeal could have been entertained and disposed off on merit. The Departmental Authority were not sitting as a Court of law and apply the provisions of Section 5 of Indian Limitation Act. Undoubtedly, as far as possible the appeal should be filed within time and every appeal should be entertained within time and when there are circumstances which forbid a person for filing an appeal such cases should be considered and delay should be condoned. It was an appeal in which the delay should be condoned and the appeal could have been disposed off on merit.

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