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(7)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

O.A. No 882/92

N.D. Patel

...

Applicant

Vs.

Union of India & others ...

Respondents

Hon. Mr. Justice S.K. Dhaon, V.C.

Hon. Mr. K. Dbayya, A.M.

(By Hon. Mr. Justice S.K. Dhaon, V.C.)

The order dated 13.7.85 whereby the applicant was given a minor punishment was received by him on 13.8.85. On 14.9.85 he preferred an appeal which was dismissed as barred by limitation. On 13.9.86, the review application given by him was rejected. The orders of the appellate authority and the reviewing authority are being impugned in the present application.

An appeal had to be preferred within a period of 45 days from the date of the receipt of the order, therefore, the appeal had been filed well within time. The appellate authority, therefore, committed a patent ~~error~~ error of law while dismissing the appeal as barred by time. Reviewing authority committed the same mistake while <sup>up</sup>holding the order of the appellate authority. Both the orders are, therefore, not sustainable.

There is no force in the contention of the Counsel for the respondents that the applicant came to this

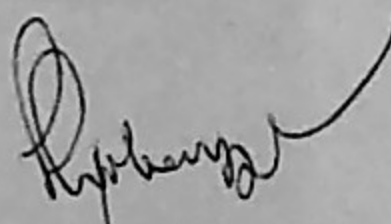


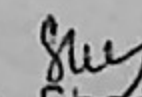
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Tribunal at belated stage. This application (882/92) was filed on 16.10.87, therefore it was filed within time.

This application succeeds and is allowed. The orders of the appellate authority and the reviewing authority are quashed. The appellate authority shall treat the appeal as having been filed within time. It shall dispose of the same on merits and in accordance with law. It shall do so within a period of 6 weeks ~~xxxxxx~~ from the receipt of a certified copy of this order from the applicant. The applicant is permitted to transmit a certified copy of this order to the appellate authority under register post.

A copy of this order may be given to the Counsel for the applicant.

  
Member (A)

  
Vice Chairman

~~xxxxxx~~  
Allahabad  
Dated 29.6.92

SMC