

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 350 of 1988

Abdul Karim Khan

.. Applicant

Versus

Union of India and others

.. Respondents

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

Hon. Mr. K. Chayya, Member(A)

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

The applicant against whom in the past also disciplinary action was taken for unauthorised absence from duty. He was working as Ex. Fire Man II at Allahabad at the relevant point of time. He absented himself upto 22.9.1984. According to the record it appears that a charge sheet was served to the applicant and the applicant submitted some application thereof. Later on applicant's services were terminated and he was removed from service. He has filed an appeal to General Manager for re-instatement followed by application dated 26.5.87 to C.P.O which was disposed with direction to submit the appeal to Sr. DME/Varanasi. He submitted the appeal dated 2.7.87 to Sr. DME Varanasi for consideration under Rule 22 of RS(DA) Rule, 1968 with specific request to entertain the appeal condoning the limitation under proviso to Rule 20 and the same was rejected by Sr. DME on the ground that the appeal is time barred. According to the applicant no proper enquiry was ever ~~was~~ took place and the applicant was removed from service

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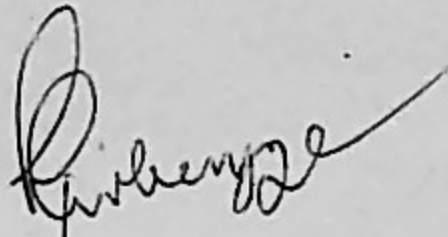


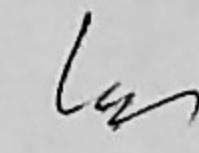
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with retrospective effect. In the circumstances the appeal should have been entertained against departmental enquiry even if it is barred by time. In this case without looking into the pleadings of the appeal, the appeal was dismissed on the ground that the same was barred by time. As it is being the jurisdiction of the court of law Under Section 5 Limitation Act. Therefore the appellate order deserves to be quashed. The respondents are directed to decide the appeal on merits after giving opportunity of personal hearing to the applicant within a period of three months from the date of receipt of this order. No order as to the costs.

  
A.M.

  
V.C.

Dated: April 22nd, 1992

(Uv).