

THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

O.A. NO. 522 of 1992.

R.K. Agarwal..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava- V.C.  
Hon'ble Mr. K. Obayya -A.M.

(By Hon'ble Mr. Justice U.C. Srivastava V.C.).

As a short question is involved in this case, so it can be heard and disposed of finally.

The applicant who was an employee of the Central Ordinance Depot Agra was punished vide order dated 15th February, 1991. Against the said order the applicant preferred an appeal on 22nd February, 1991. According to the applicant, he received the copy of the order on 22.2.91 on which date it was served upon him and filed the appeal within 39 days. The appeal remained pending for four months. Thereafter the applicant moved an application before the respondent no. 3 that orders on his appeal may be passed and it was thereafter on 7.10.91, appeal of the applicant was dismissed on the ground of Barred by time. Law of limitation as such does not apply in the Departmental appeal. When the matter is pending for several months there was no justification for it to dismiss the appeal on the ground that it was barred by time instead of disposing it on merits. Even otherwise the applicant was entitled to count limitation from the date ~~as~~ the copy of the order was served upon him.

The appellate Authority has committed the illegality and has adopted a ~~shortcut~~ method in disposing of appeal and dismissed it on the ground of limitation and accordingly the appellate order dated 7.10.91 dismissing the appeal on the ground of limitation is quashed. The appellate authority is directed to dispose of the appeal filed by the applicant within a period of two months from the date of the communication of this order. The



Appellate Authority shall pass the speaking order. Even if the appeal is allowed or dismissed. No order as to the costs.

R. J. Kelly  
Member

  
Vice Chairman.

Dt: July 7, 1992.

(DPS)